

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Civil Action No. 05-11598-WGY  
                                )  
THREE-JUDGE COURT  
CITY OF BOSTON,            )  
MASSACHUSETTS, et al.,     )  
                                )  
Defendants.                )

RESPONSE TO OPPOSITION TO THE UNOPPOSED MOTION TO CLARIFY

EXHIBITS C-I  
EXHIBITS J-U  
EXHIBITS V-AE  
EXHIBITS AF-AK  
EXHIBITS AL-AN

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
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Plaintiff,                 )  
                                )  
v.                            ) Civil Action No. 05-11598-WGY  
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THREE-JUDGE COURT  
CITY OF BOSTON,            )  
MASSACHUSETTS, et al.,     )  
                                )  
Defendants.                )

RESPONSE TO OPPOSITION TO THE UNOPPOSED MOTION TO CLARIFY

EXHIBITS C-I

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
Plaintiff, )  
v. ) CIVIL ACTION No. 05-11598  
CITY OF BOSTON, ) DECLARATION  
MASSACHUSETTS; THOMAS M. )  
MENINO, in his official capacity as )  
Mayor of the City of Boston; ) THREE-JUDGE COURT  
BOSTON CITY COUNCIL:  
MICHAEL F. FLAHERTY, PAUL J.)  
SCAPICCHIO, JAMES M. KELLY, )  
MAUREEN E. FEENEY, )  
CHARLES C. YANCEY, ROB )  
CONSALVO, JOHN TOBIN, )  
CHUCK TURNER, MICHAEL P. )  
ROSS, JERRY P. McDERMOTT, )  
FELIX D. ARROYO, MAURA )  
HENNIGAN, STEPHEN J. )  
MURPHY; BOSTON ELECTION )  
DEPARTMENT; GERALDINE )  
CUDDYER, in her official capacity )  
as Chair of the Boston Election )  
Department, )  
Defendants. )

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DECLARATION

I, Tse Ngar Cho, make the following declaration based on personal knowledge:

1. I was born on August 29, 1925 in Toishan, China. In 1980, I moved to the United States. I became a United States citizen in 1990. I moved to Boston, Massachusetts in 1997. I live at 10 Temple Place, apartment 507, in Boston.

2. Since 1997, I have voted at the Josiah Quincy School, ward 3, precinct 8.

3. On September 23, 2003, at 7:00 a.m., I went to vote in the preliminary election at the Quincy School. On my way into the poll, campaign workers gave me flyers for candidates number 6 and number 10. The campaigners were standing right at the door of the poll. If any of the poll workers walked to the door, they could see the campaigners standing there.

4. I remember that there were about four poll workers. Two were signing voters in. A third was directing voters to the voting booths and giving instructions, and a fourth poll worker was by the voting machine. The poll worker who was giving instructions walked up to me as I was heading toward the voting booth with my ballot. I had not asked for any assistance.

5. This poll worker followed me to the voting booth, saying to me, "Vote for numbers 6 and 10" for city council. The poll worker and the campaigners at the door were supporting the same candidates: 6 and 10. As I marked my ballot for the city council contest, the poll worker was looking over my shoulder. After I voted for two candidates for city council, the poll worker said, "That's good enough. Voting for these two candidates will do." I listened to the poll worker and only voted for two candidates for city council.

6. I had not planned to vote for the two candidates that I did vote for. Additionally, I had gone to the polls intending to vote for that third candidate, whom I did not end up voting for, because I had read about the candidate and believed the candidate cared about the Chinese community. The campaigners and the poll worker made me feel like I did not know enough about the two candidates they were supporting. I gave into their pressure. I was not strong enough. The poll worker was looking over my shoulder, and I knew he could see whom I was voting for.

7. The poll worker who looked over my shoulder as I voted acted out in the open. The poll

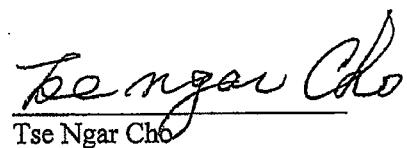
worker was not sneaking around. The other poll workers should have been able to see and hear what this poll worker was doing. But, they did not say anything.

8. After the poll workers give the voter the ballot, the poll workers should not interfere with the voter unless the voter asks for help. If the poll workers interfere, it could influence who the voters vote for. This is especially true during city elections. Since these are local elections, there is more information out there about the candidates and their views and more discussions in the community about these candidates than for national candidates and elections. The campaigning inside and outside of the polls is very aggressive during city elections. I do not mind campaigners coming around to knock on doors, but they should not be doing this inside the polls. I have seen campaigners and poll workers campaigning inside the polls.

9. The voting process would improve for Chinese-speaking voters if poll workers were better trained. Also, if the ballot were available in Chinese, voters could vote for the candidates they want without needing help from the poll workers, who sometimes try to influence the voters. A ballot in Chinese would also allow Chinese-speaking voters to be exposed to all of the races in an election, and not just concentrate on a few.

I declare under the penalty of perjury and pursuant to Title 28 of the United States Code, Section 1746, that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Karen YuZhen Chen of the Chinese Progressive Association, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: August 12, 2005

  
Tse Ngar Cho  
Tse Ngar Cho

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Tse Ngar Cho as told to me this 12th day of August, 2005.

  
Karen YuZhen Chen

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
	)	

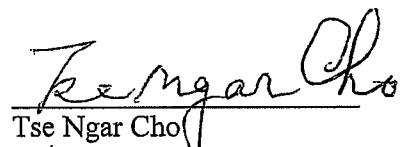
**DECLARATION**

I, Tse Ngar Cho, make the following declaration based on personal knowledge:

1. I recall making the statements in the attached declaration, in August 2005. The statements in that declaration are accurate.
2. I have been voting for many years. When I voted in the April and May 2007 elections I didn't have any problems. When you go in, they ask you for your address and name. After I gave that, the poll workers gave me a ballot and I was able to get the booth and vote by myself. With the ballot fully translated, I was able to vote independently and in private without anyone following me to the booth telling me who to vote for.
3. With the translated ballot, we are better able to research and choose who to vote for before we arrive at the poll site. If I still find it necessary to count down the ballot to where my desired candidate is listed, I can be certain that I've selected the correct candidate because the Chinese translation is listed.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Lydia Lowe, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 29, 2007

  
Tse Ngar Cho

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Tse Ngar Cho as told to me this 29th day of June 2007.



Lydia Lowe

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
Plaintiff, )  
v. ) CIVIL ACTION No. 05-11598  
CITY OF BOSTON, ) DECLARATION  
MASSACHUSETTS; THOMAS M. )  
MENINO, in his official capacity as )  
Mayor of the City of Boston; )  
BOSTON CITY COUNCIL: )  
MICHAEL F. FLAHERTY, PAUL J. )  
SCAPICCHIO, JAMES M. KELLY, )  
MAUREEN E. FEENEY, )  
CHARLES C. YANCEY, ROB )  
CONSALVO, JOHN TOBIN, )  
CHUCK TURNER, MICHAEL P. )  
ROSS, JERRY P. McDERMOTT, )  
FELIX D. ARROYO, MAURA )  
HENNIGAN, STEPHEN J. )  
MURPHY; BOSTON ELECTION )  
DEPARTMENT; GERALDINE )  
CUDDYER, in her official capacity )  
as Chair of the Boston Election )  
Department, )  
Defendants. )  
\_\_\_\_\_

DECLARATION

I, Siu Ching Tsang, make the following declaration based on personal knowledge:

1. I was born on November 30, 1930 in Shenzhen, China. I have been in the United States since 1981 and became a United States citizen in 2001. I live with my wife at 80 Mason Street, apartment 314, in Boston, Massachusetts.

2. For the September 2003 preliminary election, I voted at the Josiah Quincy School, Ward 3, precinct 8. When I arrived at the polling place at about 10 a.m., I saw a number of campaign supporters for different candidates handing out poll cards in front of the polling station. I received information for candidates with the ballot numbers 6, 10, and 11.

3. When I went into the polls, a poll worker who spoke a little Chinese asked me for my address and name. After she found my name on the list, she gave me a ballot and told me to go inside to vote.

4. A poll worker, who was an elderly man, approached me inside the polling place and asked me if I needed help. I told him that I did not need his assistance. I did not need his assistance because I knew whom I wanted to vote for, and I knew the ballot number of my chosen candidate. Although I had declined the poll worker's offer of assistance, the poll worker remained at my side and watched as I marked my ballot.

5. After I finished filling out my ballot, the poll worker said to me in Chinese, "You only voted for one candidate. What about numbers 6 and 10?" I told him that I only wanted to vote for one candidate. He then attempted to help me submit my ballot into the ballot box. I declined his assistance and submitted the ballot myself.

6. When I vote, I do not expect to understand the ballot. I cannot read English. But I study the Chinese-language materials that are available in the community about candidates and try to vote for those candidates that I support. I write down the numbers of my chosen candidates and the first two letters of their names in case the numbers are different on the ballot at the polls. If the ballot were translated into Chinese, I could vote in more of the races.

I declare under the penalty of perjury and pursuant to Title 28 of the United States Code,

Section 1746, that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Karen YuZhen Chen of the Chinese Progressive Association, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: August 10, 2005

  
Siu Ching Tsang

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Siu Ching Tsang as told to me this 10th day of August, 2005.

  
Karen YuZhen Chen

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
	)	

**DECLARATION**

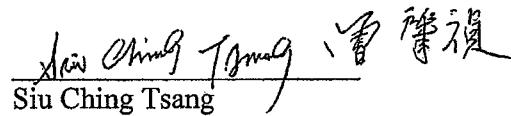
I, Siu Ching Tsang, make the following declaration based on personal knowledge:

1. I was born in Shenzhen, China, on November 30, 1930, and came to the United States in 1981. I became a U.S. citizen approximately in 2001.
2. I reside at 80 Mason Street, Apt. #314 in Boston, Massachusetts.
3. I speak Cantonese and cannot read or understand English.
4. I recall making the statements in the attached declaration, in August 2005. The statements in this declaration are accurate. But I would like to clarify that, in paragraph 5, it was another poll worker who tried to help me submit my ballot, even though I did not ask for his help.
5. I voted in the May 2007 election in Boston. A politician died, and this was an election to replace him. I voted at the Metropolitan Community Room. In this election, the names of the candidates were transliterated into Chinese on the ballot.
6. I also voted in the April 2007 election. I remember that the names of the candidates on the ballot were transliterated into Chinese in that election, too.
7. Having the names of the candidates in Chinese on the ballot helped me greatly. In past years, when the ballot didn't have the candidates' names in Chinese, it was much more difficult and time-consuming. The only way I would be able to know which candidates I would mark is by bringing in election materials that I received from community organizations. I circled the candidates that I wanted to vote for on these

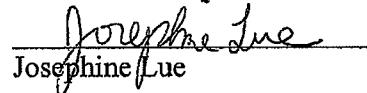
materials. I would bring this piece of paper with me into the polling booth, then try to match up the names in English on the ballot. Trying to match up the names was very difficult for me, since I can't read English. I would basically try my best to match up the English letters, by comparing the ballot with the piece of paper that I brought from home. I would need to double-check my markings, to make sure that I matched up the names correctly. It takes me an extremely long time to do this, but I do it because I want to make sure that I don't make any mistakes. If the community groups didn't give me the materials so that I can match the names of the candidates, I would have no hope of voting because I would not be able to recognize the names at all.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 26, 2007

  
Siu Ching Tsang

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Siu Ching Tsang as told to me this 26th day of June 2007.

  
Josephine Lue

AFFIDAVIT OF SUM MING YU

Sum Ming Yu, of age 72 years, upon his oath declares the following to be true:

1. My name is Sum Ming Yu, and I reside with my wife at 80 Mason Street Apt #102, Boston, Massachusetts, 02111. My address is in Ward 3, Precinct 8, and I vote at the Josiah Quincy School.
2. On September 23, at 10:10am I went to vote. When I arrived at the polling station, I saw a number of campaign supporters for different candidates handing out poll cards in front of the station. As I walked in, I was holding campaign papers for #6, #10 and #11, that were given to me by people outside.
3. There were no signs or instructions given to me in Chinese. But I knew how to use the ballot because I went to a voter education workshop at Mason Place organized by the Chinese Progressive Association.
4. At the table, they gave me a ballot, and I went in to vote. I did not ask for help, but a young man in the polling station came over to my booth, and told me, "Why don't you vote for #6 and #10?" I said, "Okay, fine," and then the man walked away. Then I voted and submitted by ballot.
5. I am afraid that if my identity was known that Chinatown leaders and the election commission will investigate him as the one who pinpointed those responsible and that those people might cause trouble for me in the future because I spoke up against them and they know who I am. This is why I am submitting a duplicate affidavit with all of the same content points but using the fictitious name of John Doe/Jane Doe.

Sworn to subject to the pains and penalties of perjury this 10<sup>th</sup> day of October, 2003.

\_\_\_\_\_  
Sum Ming Yu

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated testimony of Sum Ming Yu as told to me this 10th day of October, 2003.

\_\_\_\_\_  
Helen Y. Wong

As subscribed and sworn to  
before me on 10-10-03  
\_\_\_\_\_  
Helen Cao Hui  
Helen Cao Hui, Notary Public  
My commission expires:  
Nov 8, 2007

Exhibit E

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
	<hr/>	

**DECLARATION**

I, Sum Ming Yu, make the following declaration based on personal knowledge:

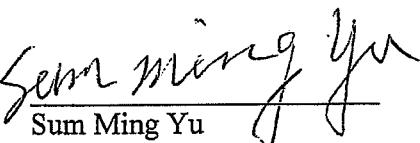
1. I was born in Canton, China, on October 15, 1931 and came to the United States in 1988. I became a U.S. citizen approximately in November of 1994.
2. I reside at 80 Mason Street, Apt. #102 in Boston, Massachusetts.
3. I speak Cantonese. I am unable to read English. I was able to pass the citizenship exam by memorizing the English answers, but I can't really communicate in English.
4. I recall making the statements in the attached declaration, dated October 2003. The statements in this declaration are accurate.
5. I vote regularly. I most recently voted in the April 2007 election, as well as the special city election in May 2007.
6. In the past, when the ballot didn't have the candidates' names in Chinese, the only way that I knew where the names were on the ballot was by remembering the numerical order of the candidates that I wanted to vote for. I would receive this information from people in the community and campaigns before the election. I would mark the candidates that I wanted to vote for, then bring in the slip of paper into the voting booth. Then I would count down the number of my preferred candidates on the ballot. Then I would take the election material from the campaigns and match up the English name of the candidates with the ballot. If I didn't have that number on the slip of paper, I wouldn't be able to find my preferred candidates on the ballot.

7. It is better for me, and other elderly Chinese-speaking voters, to have the candidates' names transliterated into Chinese. Because for those of us Chinese American voters who are not so good with English, it is helpful to see the Chinese characters so that we can recognize the names of the candidates. It is much easier for me to vote when the candidates' names are in Chinese.

8. I read the Chinese language newspaper every day. I have seen the names of the candidates in Chinese in the Chinese newspapers. And I remember the Chinese transliteration of the names of the candidates. For example, in the recent elections, I remembered from reading the newspaper articles that there was a candidate named Susan and another candidate named Linehan, who was the man.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Lydia Lowe, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 26, 2007

  
Sum Ming Yu

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Sum Ming Yu as told to me this 26th day of June 2007.

  
Lydia Lowe

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
)  
Plaintiff, )  
)  
v. ) CIVIL ACTION No. 05-11598  
)  
CITY OF BOSTON, ) DECLARATION  
MASSACHUSETTS; THOMAS M. )  
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MICHAEL F. FLAHERTY, PAUL J.)  
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MURPHY; BOSTON ELECTION )  
DEPARTMENT; GERALDINE )  
CUDDYER, in her official capacity )  
as Chair of the Boston Election )  
Department, )  
Defendants. )  
\_\_\_\_\_

DECLARATION

I, Karen YuZhen Chen, make the following declaration based on personal knowledge:

1. I was born in Toishan, China. In 1990, I emigrated to the United States. I have lived in the Boston area since 1990. I graduated from Boston University in 2002 with a Bachelor of Arts degree after majoring in Sociology and Psychology.
2. I am currently a Community Organizer for the Chinese Progressive Association (CPA).

Exhibit F

I started at CPA while in college, as part of a work study program. I became a full-time staffer in September of 2001. My main responsibility at CPA is community organizing, with a focus on tenants' and workers' rights and land use issues in Chinatown. In addition, like all CPA staffers, I devote time to voting issues during election season.

3. During the September 23, 2003 municipal preliminary election, I took a day off from work with CPA to campaign for city council candidate Felix Arroyo outside of the Quincy School polling place, which is located in Chinatown. Throughout the day, I observed campaigners standing at the door to the polling site, passing out pink flyers for White and Flaherty, at-large candidates for the city council. Nonetheless, at some point in the afternoon on election day, I observed then Election Commissioner Nancy Lo stop by the polling place. She spoke with a man I know to be Frank Chin, who was sitting on a chair right in front of the door at the poll passing out the pink campaign flyers. Mr. Chin remained at the door after Commissioner Lo left the polling place.

4. In the middle of the afternoon on September 23, 2003, I observed an elderly Chinese-American man walk out of the Quincy School poll looking very angry and exclaiming in a combination of Toishanese and Cantonese, "What kind of election is this! I didn't even get to see my ballot!" I followed him to ask him what happened. He waived me off, saying "Forget it! These elections are corrupted. I'm never going to vote again!"

5. At around 4:00 p.m., a co-worker from CPA asked me to fill in for her inside the polling place as a poll checker while she went on break. CPA receives a grant called the Civic Engagement Initiative to fund voter education and turnout efforts. To gauge CPA's progress registering and turning out voters, poll checkers check the names of voters off of a voter

registration list as they come into vote. When I went into the polling place, I left all of my campaign materials outside. I checked off names for about an hour.

6. Inside the polling place, I saw four or five poll workers. Sitting next to me at the desk where voters signed in was an election worker I later learned is named Margie and a Boston police officer I later learned is named James Moy. Next to Margie and James Moy was Paul Lee. Shirley Lee, another poll worker, sat diagonally from the sign-in table. Finally, there was a man named Bob. Bob walked in and out of the polling place during the hour I was checking off names. At times he was outside of the polling place passing out pink flyers urging voters to vote for White and Flaherty, candidates 6 and 10 on the ballot. At other times, he was inside the polling place, accompanying voters to the voting booth.

7. Not long after I started checking off names, an elderly couple of about 70 years of age came into the polling place. They were Chinese. Margie asked for their address and names in Chinese. After Margie gave them their ballots, I saw poll worker Shirley approach the voters and lead them to the voting booths around the corner. I watched these voters from the time they signed in, so I know that they had not asked Shirley for her assistance. After they turned the corner, I heard Shirley saying in Toishanese, "Vote for two, these two." I distinctly heard Shirley say this, though I could not see them once they turned the corner. Shirley was not whispering, they were only about 15 feet away, and there were not many people in the polling place at the time, as it was before the evening rush of voters.

8. When I went back outside to resume my roll as a campaigner, I asked Bob, who was standing in front of the poll entrance passing out the pink campaign flyers, what his role at the poll was. I asked, "So, are you working for White and Flaherty, or are you supposed to work in the

poll?" Bob responded, "I am a poll worker, working as an interpreter." Holding up the pink campaign flyer, he then said, "I am only doing this five percent of the time; the other 95 percent of the time I work in the poll." When I commented that he should be working inside the poll 100 percent of the time if he was a poll worker and remain unbiased 100 percent of the time, Bob said, "You know, we Chinese people don't have to be so uptight. Non-Asians, they are more concerned about things like that. You know that we are supposed to be 50 feet away from the polling place, but here it's not such a big deal."

9. I have since learned that there was no Bob listed as a poll worker at the Quincy School that day. Whether or not this man who gave his name as Bob was an official poll worker, he was permitted to function openly as a poll worker inside the poll.

10. During the time I spent inside Quincy School on September 23, 2003, none of the voting materials I recall seeing were posted in Chinese.

11. For the November 2, 2004 general election, CPA was part of the Election Protection effort. Election Protection was a coordinated effort by community groups to monitor voting activity inside the polls. I was stationed inside the polling place at the Franklin Institute all morning and into the early afternoon. I spent some time in the afternoon outside the polls at the Quincy School, dropping off materials for co-workers and keeping our volunteers company. I then returned to the Franklin Institute later in the afternoon, but only spent a half hour to an hour inside the poll at that time.

12. At the very beginning of the voting day, at about 8:00 a.m., I observed Amy, one of the two Chinese-speaking poll workers assigned to the Franklin Institute that day, asking voters, "Do you know who to vote for yet?" in Toishanese. Amy asked voters this question as she guided them

from the sign-in table to the voting booths. She targeted elderly Chinese voters. She did not ask non-Asian voters this question. I would estimate that she asked a majority of the Chinese voters coming through the polls this question. It seemed inappropriate to me so I phoned the Boston Lawyers' Committee, which was taking Election Protection calls. After I called this in, I stopped tallying these occurrences on the report I was completing for the Election Protection effort. I had made four tallies.

13. I also observed that sometimes after Amy asked voters, "Do you know who to vote for yet?" she would take the voters' ballots and mark the ballots for the voters. Some of these voters appeared to need assistance, but there was no indication that Amy was providing any material assistance. I did not see, for example, her pointing to the ballot or otherwise reviewing the ballot with the voters. She would just take their ballots and mark them. For other voters, there was no interaction of any kind prior to Amy marking their ballots. They did not request Amy's assistance or give her any indication of their voting preferences before she marked their ballots. Some voters did, however, give Amy their ballots and seem to indicate something to her. While I only recorded two such instances in my Election Protection report, I observed Amy mark the ballots of about 15 Chinese voters.

14. I also observed Faye, the other Chinese-speaking poll worker at the Franklin Institute on November 2, 2004, assist Chinese-speaking voters at the voting booth. However, in contrast to when Amy assisted voters, there was interaction between Faye and the voter.

15. During the course of the morning at the Franklin Institute, I observed that whenever a Chinese voter got to the sign-in table, the white female poll worker responsible for signing in voters got visibly frustrated. She would speak more loudly and make that face that indicates

impatience. If a Chinese voter started to ask a question, she would cut them off, as if to say, "Let me do what I have to do first." I also observed that this poll worker routinely asked Chinese voters for their identification. I had no way of knowing whether they were first-time voters required to show identification, but I do know that she did not routinely ask white voters to present identification.

16. At about 10:30 a.m., I witnessed the poll worker Amy get into an argument of some kind with the poll warden. Afterwards, she ceased playing a role in administering the polling place. She eventually walked over by the voting booths and stood with her arms folded. When I left at 12:30 p.m., Amy was still refusing to work.

17. Even before Amy quit working things were hectic at the Franklin Institute. There was a really long line that extended outside. And, it was really cold. Because they could not stand for very long, there was a row of elderly voters, most of whom were Chinese, sitting on bench inside near the door. After Amy quit, the warden, a white man in his 60s or 70s, approached me and said, "You speak Chinese, right? You can help." I think the warden's name was Jonathan.

18. I agreed to help and asked the warden to tell me what to do. He instructed me to get the names of the Chinese voters in line and bring the names to the white, female poll worker at the sign-in table. I do not recall her name. I approached the Chinese voters in line and gathered their identification to present at the sign-in table. Without specific instructions from the warden as to how to get the voters' names, I followed what I had seen the poll worker at the sign-in table doing: I gathered up their identification. For two voters who did not have their identification with them, I wrote their names down on a piece of paper. The female poll worker used the identification and the scribbled names to find the voters' names in the poll book.

19. Beyond collecting the names of voters, I provided assistance to about ten limited English proficient Chinese-speaking voters by helping them to complete the affidavit necessary to vote a provisional ballot. The affidavit was not available in Chinese.

20. While inside the polls at the Franklin Institute for the November 2004 election, I did not see any election-related signs posted in Chinese.

21. After my experience monitoring the 2003 preliminary election, I think the City needs to provide ballots and signs translated into Chinese to lessen the reliance of voters on the poll workers who may sometimes try to influence voters. Poll workers should also wear badges verifying that they are poll workers and indicating what their function is. After my experience monitoring the November 2004 general election, I came to appreciate that there is a great need for more bilingual, Chinese-speaking poll workers to assist voters. The bottom line is that both written materials (Chinese ballot and signs) and oral assistance (Chinese-speaking election workers) are needed for limited English proficient voters to be able to participate effectively in the election process. Also, poll workers need to be better-trained on the election process and rules and about their responsibility to treat all voters the same.

I declare under the penalty of perjury and pursuant to Title 28 of the United States Code, Section 1746, that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: August 18, 2005



Karen YuZhen Chen

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
	)	

**DECLARATION**

I, Karen YuZhen Chen, make the following declaration based on personal knowledge:

1. I recall making the statements in the attached declaration, in August 2005. The statements in that declaration are accurate.
2. I worked full-time as the lead community organizer staff-person at the Chinese Progressive Association (CPA) from 2001 to the beginning of 2007. I worked predominantly with Chinese-speaking immigrants. In approximately April and May, 2007, I worked on the campaigns of Mary Cooney and Susan Passoni for District 2 City Council.
3. In this capacity, I called many Chinese-speaking voters to introduce the candidates. In order to introduce the candidates to the Chinese-speaking voters I orally used a Chinese phonetic version of their names.
4. The Chinese newspapers and the election materials also bore their transliteration names in Chinese. When I mentioned to the voters that I was campaigning for the “woman” candidate, the Chinese-speaking voters immediately understood and were able to say the Chinese version of the candidate’s name back to me. The transliteration of the candidate names helps the Chinese-speaking voters refer to the candidates by name.

5. The transliteration of the name of the candidate is important to help the voter identify the candidate. It also helped me as a campaigner give the voter information about the candidate. Even the candidates for whom I worked appeared to recognize their names in Chinese when I introduced them to Chinese-speaking voters and eventually introduced themselves using the Chinese phonetic version of their names.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: June 27, 2007



Karen YuZhen Chen

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
	)	

**DECLARATION**

I, Joe Ho Lee, make the following declaration based on personal knowledge:

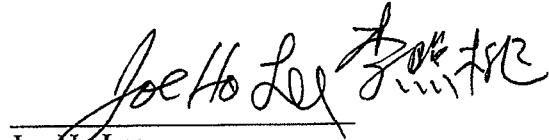
1. I was born in Guangdong, China, on April 29, 1937, and came to the United States on March 1, 1980. I became a U.S. citizen in 1986.
2. I live at 80 Mason Street Apt. # 801 in Boston, Massachusetts.
3. Cantonese is my native language. I understand very little English. I cannot read or speak English.
4. I registered to vote in Boston right after I became a citizen. Initially I could not vote because I was working long hours. I first voted in 2005 at Quincy School in Boston. I last voted in both May 2007 elections in Boston. In those elections I voted at the polling place located in the same building as the Chinese Progressive Association at the Oak Street entrance.
5. When I first voted in 2005, the entire ballot was in English. It was hard to vote then because I had to memorize the first couple of letters of the names of the candidates in order to find the candidate I wanted to vote for on the ballot. I would read the English names of the candidates that sometime appear in some of the Chinese newspapers, and memorize the first letter or two of the name of the candidate I wanted to vote for and then do my best to find those letters on the ballot. Even though I did my best to select my candidate, I believe that I may have selected the incorrect candidate when there were many candidates on the ballot.
6. In the May City elections the candidates' names were transliterated in Chinese

**Exhibit G**

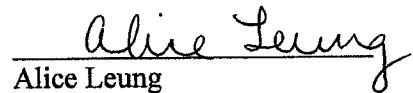
on the ballot. I was very happy with the transliteration of the names of the candidates in Chinese, because in prior elections I did not know which candidate was which and where to find the candidate on the ballot. Now that the ballot is transliterated, I can find the name of the candidate in Chinese on the ballot. I am familiar with the candidates' names in Chinese because they appear in the Chinese newspapers in the Chinese transliterated version. Because I speak Chinese I can remember the Chinese transliterations of the names, and now I can locate the candidate that I want to vote for on the ballot.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Alice Leung, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: July 20, 2007

  
Joe Ho Lee

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Joe Ho Lee as told to me this 20th day of July 2007.

  
Alice Leung

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff                    )  
                                )  
v.                            )  
                                )  
CITY OF BOSTON, MASSACHUSETTS, ) CIVIL ACTION  
ET AL.,                      ) NO. 05-11598-WGY  
                                )  
Defendants                    )  
                                )  
                                )

DECLARATION

I, Kwok Yim Chiu, make the following declaration based on personal knowledge:

1. I was born in Wu Bai, China, on May 10, 1931, and moved to Hong Kong in 1949. I came to the United States in 1982. I became a U.S. citizen approximately in 2000.
2. I live at 80 Mason Street Apt. # 807 in Boston, Massachusetts.
3. I speak Cantonese fluently. I do not know English. I have never studied English or taken any English classes.
4. I first registered to vote in Boston in 2002. I voted for the first time in Boston in 2003. When I voted in 2003 the ballot was only in English. I could not understand the names of the candidates in English. People would tell me the number of the candidate that I wanted to vote for, and I would then vote for the candidate with that same number on the ballot. I was afraid that when I marked the ballot I might have made a mistake by not remembering the correct number for the candidate I had decided to vote for.
5. The last time I voted was in May 2007 for City Council in Boston. That ballot was bilingual in both Chinese and English. The names of the candidates were in Chinese and English.
6. I become familiar with the candidates names in Chinese by listening to people in the community talk about the candidates. I also see the names of the candidates in Chinese in the Chinese newspapers and in campaign advertisements.

**Exhibit H**

7. When the names of the candidates are in Chinese I no longer select the candidate by number. I can find the name of the candidate in Chinese on the ballot. Now it is convenient to vote. It is a good experience. I am now certain that I will not make a mistake. It is very clear.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 27, 2007

Kwok Yim Chiu  
Kwok Yim Chiu

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Kwok Yim Chiu as told to me this 27th day of June 2007.

Josephine Lue  
Josephine Lue

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,	)
	)
Plaintiff	)
	)
v.	) CIVIL ACTION
	) NO. 05-11598-WGY
	)
CITY OF BOSTON, MASSACHUSETTS,	) DECLARATION
ET AL.,	) <u>THREE-JUDGE COURT</u>
	)
Defendants	)
	)

---

**DECLARATION**

I, Chor Heung Chou, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on June 5, 1915. I came to the United States in 1970 and I became a naturalized U.S. citizen approximately fifteen or sixteen years ago. I took my naturalization exam in Chinese. I got all the questions correct.
2. I live at 230 Harrison Avenue Apt. #D1002 in Boston, Massachusetts.
3. I speak Hoipingese, which is my native language. This is the only Chinese dialect I speak. I am unable to read, speak, or understand any English at all. I never had any time to study or learn English because I had to spend all my time working at a restaurant.
4. I registered to vote right after I became naturalized. I voted for the first time a few months after I registered. I voted at the polling place located at the Quincy School. The ballot was entirely in English, so I could not understand it at all. So I asked my husband to accompany me to the polling place to help me to vote. My husband and I always go together to vote. My husband knows some English. He used to be a teacher in China. In that first election that I voted in, I brought a piece of paper that someone had given me to tell me who I should vote for. This paper had the names of the candidates in Chinese. At the polling place, there were poll workers who helped people fill out their ballots. There were Caucasian and Chinese poll workers. The Chinese poll workers would help the Chinese-speaking voters, and the Caucasian workers helped the other voters as necessary. My husband and I both received help from one of the Chinese-speaking workers, a young man with the last name Tse, to figure out which candidates we should

mark on the ballot. It's difficult for me to vote by myself, and other people are always telling me who I should vote for.

5. I recently voted in the May 2007 city election, at the Metropolitan Community Room. I recognized that there were names for the male and female candidates in Chinese on the ballot. This made it much easier for me to vote, since I could read all the candidate names by myself. I still brought the piece of paper with the candidate names, but it was much quicker since I could recognize all the names without any trouble. For elderly voters like me, we can understand the ballot when it is in Chinese, and we cannot understand it when it is in English.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Alice Leung, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 27, 2007

*Chor Heung Chou*  
Chor Heung Chou

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Chor Heung Chou as told to me this 27th day of June 2007.

*Alice Leung*  
Alice Leung

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Civil Action No. 05-11598-WGY  
                                )  
THREE-JUDGE COURT  
CITY OF BOSTON,            )  
MASSACHUSETTS, et al.,     )  
                                )  
Defendants.                )

RESPONSE TO OPPOSITION TO THE UNOPPOSED MOTION TO CLARIFY

EXHIBITS J-U

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)
	)
Plaintiff	)
	)
v.	) CIVIL ACTION
	) NO. 05-11598-WGY
	)
CITY OF BOSTON, MASSACHUSETTS, ET AL.,	) <u>DECLARATION</u>
	) <u>THREE-JUDGE COURT</u>
Defendants	)
	)

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**DECLARATION**

I, Henry Yee, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on January 30, 1929, and came to the United States in 1964 to live in Seattle, Washington. I moved to Boston in 1966. I became a U.S. citizen more than thirty years ago.
2. I live at 230 Harrison Ave Apt. # B603 in Boston, Massachusetts.
3. I speak Cantonese and Tuisanese fluently. I cannot read any English, and can only speak a few English words.
4. I started voting at least ten years ago. The ballot was only English when I first started voting. I was not able to understand the ballot. Because I could not read the names of the candidates in English I would either choose the candidate by the number next to the candidate's name or by the first letter of the candidate's name. I most often voted using the number next to the name of the candidate.
5. Most often, friends who had voted earlier in the day would tell me the number of the candidate I should vote for or I would memorize the number of the candidate I wanted to vote for, and I would then select the candidate next to that number. Sometimes I would bring in papers that have the name of the candidate in English and then select the candidate on the ballot that has the name that starts with the same letter.

6. I last voted in the middle of May 2007. In that election the ballot was in Chinese and English. The names of the candidates were also in Chinese and English. When the names of the candidates are in Chinese it is easier for me to vote. I can immediately recognize the Chinese name of the candidate I want to vote for. I no longer have to compare using only letters and numbers. I can also use the Chinese name to tell for certain who I want to vote for. I become familiar with the candidates' Chinese names from looking at the materials that are handed out on election day by campaign workers.

7. This year is the first time I have ever seen that the names of candidates have been in Chinese on the ballot.

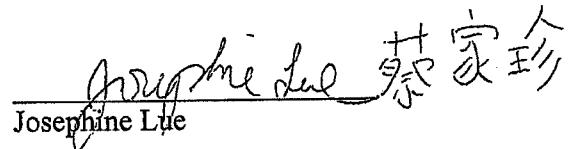
8. I want the government to ensure the continuation of having the names of the candidates appear on the ballot in Chinese in future elections. It is necessary for Chinese-speaking voters to have the entire ballot in Chinese including the names of the candidates because many of those voters do not speak English.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 27, 2007

  
Henry Yee 余社昂

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Henry Yee as told to me this 27th day of June 2007.

  
Josephine Lue 茱富珍  
Josephine Lue

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) NO. 05-11598-WGY  
ET AL., ) DECLARATION  
Defendants ) THREE-JUDGE COURT

**DECLARATION**

I, Hoen Gin Ng, make the following declaration based on personal knowledge:

1. I was born in Guangzhou, China, on August 19, 1938 and came to the United States on March 22, 1998. I became a U.S. citizen in November 2003.
2. I reside at 10 Temple Place Apt. #803 in Boston, Massachusetts.
3. I recall making the statements in the attached declaration dated August 2005. The statements in this declaration are accurate.
4. Cantonese is my first and main language. I also speak a little Mandarin and Toisanese. I only knew enough English to pass my citizenship exam, but I cannot communicate in English. I speak very little English. I cannot read English.
5. I registered to vote soon after becoming a U.S. citizen. When I voted for the first time in November 2004, the ballot was in English only. I couldn't read or recognize anything on the ballot. As I stated in my declaration dated August 2005, I wouldn't have been able to vote at all if it were not for the woman who translated everything to me.
6. I most recently voted in two elections in Boston this year. I don't remember exactly when they were, but I do know that the two elections were just a month apart. In both of these elections, there was Chinese on the ballot. I remember that the names of the candidates were written in Chinese on the ballot. For example, I remember two names, "Bill" and "Susan." It was a lot easier for me to vote since I could read the ballot on my own. I didn't need to ask for any help to vote. This was the first time that I was able to vote without anyone's assistance.

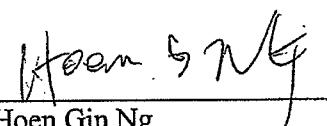
**Exhibit K**

7. I believe that it is important to vote because then we can select candidates who can benefit the community.

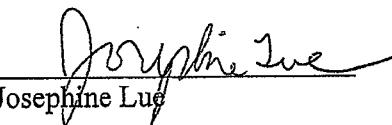
8. I read the Chinese language newspaper every day. I have seen the names of the candidates, in Chinese, in news articles. When I go to vote, I recognize the names of the candidates by their Chinese versions. When the candidates' names used to appear in English only, it was pretty much useless to me because I couldn't read them. Before, I needed to bring in pieces of paper with the order of the candidates' names, so that I could match up the names on that piece of paper with the real ballot. Now that the ballot has the names in Chinese, I can recognize the names easily without having to use this piece of paper.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 28, 2007

  
Hoen Gin Ng

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Hoen Gin Ng as told to me this 28th day of June 2007.

  
Josephine Lue

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
)  
Plaintiff, )  
)  
v. ) CIVIL ACTION No. 05-11598  
)  
CITY OF BOSTON, ) DECLARATION  
MASSACHUSETTS; THOMAS M. )  
MENINO, in his official capacity as )  
Mayor of the City of Boston; ) THREE-JUDGE COURT  
BOSTON CITY COUNCIL: )  
MICHAEL F. FLAHERTY, PAUL J.)  
SCAPICCHIO, JAMES M. KELLY,)  
MAUREEN E. FEENEY, )  
CHARLES C. YANCEY, ROB )  
CONSALVO, JOHN TOBIN, )  
CHUCK TURNER, MICHAEL P. )  
ROSS, JERRY P. McDERMOTT, )  
FELIX D. ARROYO, MAURA )  
HENNIGAN, STEPHEN J. )  
MURPHY; BOSTON ELECTION )  
DEPARTMENT; GERALDINE )  
CUDDYER, in her official capacity )  
as Chair of the Boston Election )  
Department, )  
Defendants. )  
\_\_\_\_\_

DECLARATION

I, Hoen Gin Ng, make the following declaration based on personal knowledge:

1. I was born on August 19, 1938 in Guangzhou, China. I came to the United States on March 22, 1998. In November 2003, I became a United States citizen. I live at 10 Temple Place, apartment 803, in Boston, Massachusetts.

2. I voted for the first time in November 2004. My polling place was located at 80 West

Dedham Street. At the time, I lived in that building, which is a home for elderly people. I planned to go to the polls with a group of Chinese-American neighbors from the building. None of us in the group reads or speaks English. All of us are elderly. But, some of the people in the group had voted before. Also, friends of mine in the group told me that a social worker for the 80 West Dedham building had helped Chinese-speaking voters at that location in past elections.

3. When our group arrived at the poll, the social worker was not there. While we waited in line to vote, I saw a neighbor of mine who had voted before. My neighbor explained the voting process to me. When I got to the front of the line, a poll worker talked to me in English. I did not understand what the poll worker was saying. I thought the poll worker had asked me if I had voted before. A bilingual woman, who was not a poll worker, helped me explain to the poll worker that I was a new voter. All of the poll workers there were non-Asian. I showed the poll worker my passport. The poll worker wrote something down and another poll worker handed me the ballot.

4. Once I got the ballot, I asked one of the women in our group how to mark the ballot. She told me to fill in the ovals. I also asked this woman to show me where on the ballot the candidates I wanted to vote for were located. She pointed the names out. I then went to the voting booth myself. If my friend did not help me, I would not have known if I really voted for the candidates I wanted to vote for.

5. I voted for President and I think one other race. If I had understood the ballot, I would have voted in other races and not just the two I voted in.

6. The voting process would be more clear for me if there were voting materials available before election day and on election day in Chinese. Also, it would be helpful to have poll workers available to help voters in Chinese. I worry that in future elections if there is no one at the polls

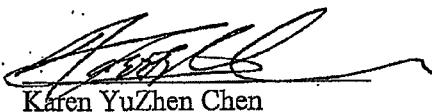
who speaks English and Chinese and is willing to help me, I will not be sure that I am voting for the candidates of my choice.

I declare under the penalty of perjury and pursuant to Title 28 of the United States Code, Section 1746, that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Karen YuZhen Chen, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: August 18, 2005

Hoen Gin Ng  
Hoen Gin Ng

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Hoen Gin Ng as told to me this 18th day of August, 2005.

  
Karen YuZhen Chen

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff                    )  
                                )  
v.                            ) CIVIL ACTION  
                                ) NO. 05-11598-WGY  
                                )  
CITY OF BOSTON, MASSACHUSETTS, ) DECLARATION  
ET AL.,                      ) THREE-JUDGE COURT  
                                )  
Defendants                    )  
\_\_\_\_\_ )

**DECLARATION**

I, Fat Ng, make the following declaration based on personal knowledge:

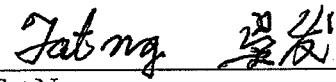
1. I was born in Guangdong, China, on January 29, 1929, and came to the United States in 1977. I became a U.S. citizen approximately in 1991.
2. I live at 230 Harrison Ave Apt. # D1003 in Boston, Massachusetts.
3. Cantonese is my native language. I do not know any English.
4. I first registered to vote in Boston two or three years after I became a citizen. Some time after I registered, a Chinese community group explained to me that I could now vote, and that is when I first voted.
5. When I first started voting, the ballots were only in English. I would get election related materials passed to me from community groups. I would decide who I wanted to vote for based on the election materials I was given. After I decided who I wanted to vote for I would remember the number on the election materials and I would then select the same name on the ballot according to the number next to that name as shown on the election materials.
6. When I vote I do not even try and remember the English name of the Candidate. I simply remember the corresponding number of the candidate that I want to vote for and then mark that number on the ballot.
7. If the names of the candidates were in Chinese, it would be better. It would be easy for me to know who I was voting for. I would not have to memorize a number. I

**Exhibit L**

would already know the Chinese name of the candidate on the ballot and I could select that candidate.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 27, 2007

  
Fat Ng

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Fat Ng as told to me this 27th day of June 2007.

  
Josephine Lue

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff                    )  
                                )  
v.                            >) CIVIL ACTION  
                                >) NO. 05-11598-WGY  
                                )  
CITY OF BOSTON, MASSACHUSETTS, ) DECLARATION  
ET AL.,                      >) THREE-JUDGE COURT  
                                )  
Defendants                    )  
\_\_\_\_\_  
                                )

**DECLARATION**

I, Bark Jew Huey, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on July 14, 1929 and came to the United States in 1987. I became a U.S. citizen in 1999. I passed the exam in 1997 but it was two years before I could take the oath.
2. I reside at 10 Temple Place Apt. #401 in Boston, Massachusetts.
3. Cantonese is my first language and I also speak some Mandarin. I took English classes in China when I was in middle school. But that was fifty years ago. Also, the system that I learned back then is different from the internationally recognized English. So I speak, read, and understand only a little English.
4. I registered to vote and started to vote in 1999, the same year that I became a citizen. I vote in almost every single election. The first time I went to vote, I went to the Quincy School. The ballot was completely in English. So it was very difficult for me to figure out the ballot. In that election, as I have done in many other elections, I brought in a piece of paper to remind myself of the names and placement of the candidates on the ballot. I used to bring the sample ballot that I received from the community voter workshops, and then I would try to match up the numbers of the candidates on the sample ballot with the candidates on the ballot.
5. I recently voted in the May 2007 District 2 city election. In that election, the ballot had the names of the candidates in Chinese. I was very happy to see this. Translation of the candidate names in Chinese is very appropriate and exactly what we need. It is very helpful and convenient to have the translated candidate names because

**Exhibit M**

when they were not translated, it was very difficult for me to try to memorize all the names on the materials that I received from the community organization. Especially for my wife, Suke Won Moy, who really doesn't know any English at all, it is extremely difficult to figure out the names on the ballot when it is in English only. I would have to help her locate the candidates on the ballot. Usually, I can recognize the simple names and the word "Democrat," so at least I have that for reference. But for my wife, who can't read any English at all, she wouldn't be able to recognize anything on the ballot. But now that she can read the candidates' names in Chinese on her own, she can vote on her own without any problems. If it were not for the translation of the entire ballot, my wife would not be able to vote on her own at all.

6. I remember that about seven or eight years ago, a state legislator came to have a community meeting with us about bilingual election materials. I remember clearly saying during that public meeting that it was very important to have the election materials translated so that voters could understand. When I voiced my comment, I spoke in Cantonese. The legislator was wearing a translation headset, so he understood what I had said. The legislator said out loud that he completely agreed with my comments, and that we should try to fight for translation of materials related to elections.

7. It is important for me to vote because the social status of the Chinese American community has improved incrementally. If we don't take voting seriously, we would be discriminated against even further. If you vote, the candidates will care about the needs of the Chinese American community. Now that the entire ballot is translated in Chinese, I feel more confident about voting and it is much easier and faster for me to vote, since I can go through the ballot much more quickly.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Alice Leung, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 27, 2007

*Huey, Bark Jew 6/27/07*

Bark Jew Huey

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Bark Jew Huey as told to me this 27th day of June 2007.

*Alice Leung*  
Alice Leung

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
	)	

**DECLARATION**

I, Lai Hung Yong, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on September 14, 1939. I came to the United States in 1971 and I became a U.S. citizen in 1979 or 1980.
2. I live at 10 Temple Place, Apt. #1014 in Boston, Massachusetts.
3. I speak Cantonese, which is my native language. I am not able to speak or understand any English at all, although I can read a little bit of English. I took some English classes for my citizenship exam but unfortunately, since then I have forgotten almost everything.
4. I registered to vote right about five or six years ago. It is important to vote because you need to pick a candidate that is good for the community, a candidate that will do things that will help the community. I am not exactly sure which year I first voted, but it was a few years ago at the Quincy School. I remember that the ballot was entirely in English only, and I couldn't read or understand it. I had also received a lot of information about the candidates from other sources, like the Chinese media and community groups such as the Chinese Progressive Association. I had gotten sample ballots with the candidate names and background, and I took that with me into the polling booth. I did my best to match up the candidates on the sample ballot with the real ballot, by matching the order of the candidates and also by matching the English letters of their names. Because I read very little English, it was very difficult for me to match up the letters, one letter at a time. It was not convenient or easy, and it took me a long time to mark the ballot. I took my time because I wanted to make sure that I was matching up everything correctly.

**Exhibit N**

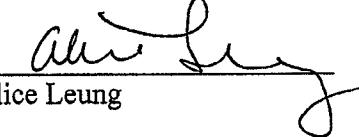
5. It would help me to have the ballot translated in Chinese, and to have the candidates' names in Chinese because when it is translated I can know who is who on the ballot. When the ballot is translated in Chinese, I don't have to match up the letters between the sample and real ballots.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Alice Leung, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 27, 2007

  
Lai Hung Yong

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Lai Hung Yong as told to me this 27th day of June 2007.

  
Alice Leung

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff                    )  
                                )  
v.                            ) CIVIL ACTION  
                                ) NO. 05-11598-WGY  
                                )  
CITY OF BOSTON, MASSACHUSETTS, ) DECLARATION  
ET AL.,                        ) THREE-JUDGE COURT  
                                )  
Defendants                    )  
\_\_\_\_\_ )

**DECLARATION**

I, Xie Chu, make the following declaration based on personal knowledge:

1. I was born in Guangzho, China, on December 28, 1925, and came to the United States in 1984. I became a U.S. citizen in approximately 1999.
2. I reside at 15 Oxford St., Apt. 207, in Boston, Massachusetts.
3. I speak Cantonese and cannot read or understand English.
4. I first voted shortly after I became a citizen in approximately 2000. I vote every opportunity I can.
5. When I first started voting, it was a very big hassle and very confusing. I was not confident or sure what or who I was voting for because I did have any information and couldn't understand the ballot. I tried to memorize who I wanted to vote for, but when I voted it felt like I was just picking something or someone randomly. Everything was in English. Often I wanted to choose candidates that I felt were good for the area and government, not just the Chinese community, but because there was no information in Chinese I could not determine who I felt was best for everyone.
6. Before the elections I would attend the voter workshops held by the Chinese Progressive Association (CPA) and collect the information it provided to the community. I would put a mark by the name of the candidate that I heard about and liked, and then bring this information with me to the booth and match with the names on the ballot. I think that many of the people that attended these workshops didn't mark a sheet with the candidate names, so they would have anything to take to the booth.

**Exhibit O**

7. A couple of years later, some materials began to be around in Chinese, so I was better able to understand who and what I was voting for as well as how to vote.

8. The last time I voted was in the recent May election. It was much less of a hassle to vote this time. This was because the ballot is now translated. Also, now that the information about the candidates is available in Chinese before the election, I am better able to study and decide who I want to vote for before arriving at the polls.

9. I don't understand that when I became a citizen the government's examination was in Chinese, but when I try to vote the government doesn't want to translate the ballot. It doesn't make sense. I worry that this is a way to discriminate against Chinese-speaking citizens. Because they can't understand the ballot, Chinese-speaking citizens votes aren't allowed to vote. Discrimination can occur to any group such as white, black, or Hispanic. But when the ballots are not translated into Chinese, the discrimination is purposeful or particularly bad for Chinese-citizens because the Chinese-speaking citizens are the ones that speak Chinese. Such discrimination disproportionately impacts the Chinese community because it is not allowed to speak through voting for the candidates that will best represent it.

10. It is important for other people in our community to speak out about the need for translated ballots. If they don't speak out, then the problem will just continue. I feel that I should speak out, because other Chinese-speaking voters may not be able to articulate the kind of discrimination that is occurring.

11. I never witnessed or experienced any aggressive poll workers because I used to be a member of the Chinatown Residents Association so such workers would not bother me because they knew I was outspoken and not easily swayed.

12. I have many friends that speak only Chinese, but don't vote because they can't understand the ballot. These friends will definitely be more likely vote because they will have an interest. If the ballots are in Chinese it will benefit the Chinese community and additionally the government due to more participation and increased respect for the government. Younger generations in our community look to the older generation or the elderly for guidance. When the elderly participate in the government process and respect it, the younger generation will as well and look to participate more.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: July 3, 2007

Xie Chu  
Xie Chu

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Xie Chu as told to me this 3nd day of July 2007.

Josephine Lue  
Josephine Lue

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
<hr/>		

**DECLARATION**

I, Sou Pong Lo, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on November 20, 1928 and came to the United States in 1988. I became a U.S. citizen approximately ten years ago.
2. I reside at 285 Tremont Street Apt 422 in Boston, Massachusetts.
3. Cantonese is my native language and I speak some Mandarin. I am unable to speak or read in English. My citizenship exam was in Chinese.
4. I have voted in every election since I became a citizen. I vote at the Franklin Institute. I vote whenever I can vote to practice my right as a citizen. As I recall, I most recently voted in the November 2006 elections.
5. In that election, and in every election before that, I needed assistance because I could not read the names of the candidate in English. There is no way I could do it by myself. The candidate names in Chinese characters could have helped me a great deal. I could have voted by myself. The translation of the candidate name is the most important part of a ballot. When the name of the candidate is translated then I can know who the candidate is and I can decide who I want to vote for. My goal is to elect someone who will be helpful to the Chinese community.
6. In all of the elections I have attended, the ballot was in English. I would have to ask poll workers to help me. When I went to sign in, where the poll workers check my name, I would tell the poll workers that I wanted to vote for

**Exhibit P**

a certain person. The poll workers would have to help me find that person on the English ballot. I would chose my own candidate and mark my own ballot but I needed help locating the candidate on the ballot. I could not read it in English to find my candidate. For example, in the gubernatorial election I would say, "I want Patrick." They would tell me he is the first name on the ballot, and they would point at it and assist me in the booth and I would mark it. If I didn't have this assistance I would not have been able to vote. When the assistor doesn't have time because there is a long line of other voters, they don't read me the rest of the ballot. If time allows I vote on the rest of the ballot with their assistance. If they are busy they don't really attend to you. So I usually just vote for the candidate I was prepared to vote for with their assistance.

7. It was very inconvenient. I could never fill out the English ballot on my own and I always needed help. In English I can't vote independently.
8. Before the elections I attend voter education workshops. I come to the polls after reading the Chinese newspapers. I also learn about the candidates from explanations and voter education workshops at CPA. CPA doesn't tell us who to vote for. I would decide on my own who to vote for based on whether they were helpful to the immigrant community. This is the most important thing.
9. The problem with the English ballot and needing translations and assistance is that I was not able to understand the ballot for myself. Without the complete translation of the ballot I would not know where to start on my own.
10. The most important thing is to vote for the candidate who will help my community. I want to be able to know who the candidates are on the ballot and to vote, by myself, for the best one who will help the Chinese community. If you don't know English and the ballot is in English there is no way to vote for who you want. That is why having a fully bilingual ballot with the names of the candidates translated is most important. The whole ballot must be translated.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Alice Leung, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 27, 2007

Sou Pong Lo (蘇永祿)  
Sou Pong Lo

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Sou Pong Lo as told to me this 27th day of June 2007.

  
Alice Leung

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                               )  
Plaintiff                  )  
                               )  
v.                          )  
                               )  
CITY OF BOSTON, MASSACHUSETTS, ) CIVIL ACTION  
ET AL.,                     ) NO. 05-11598-WGY  
                               )  
Defendants                 )  
                               )  
                               )

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DECLARATION

I, Jian Hua Tang, make the following declaration based on personal knowledge:

1. I was born in Guang Zhou, China, on June 23, 1949, and came to the United States in 1996. I became a U.S. citizen approximately in November 2001.
2. I live at 1 Nassau St. Apt. #401 Boston, Massachusetts.
3. Cantonese is my native language. I speak and understand only a little English. I cannot communicate in English, and I find it the most difficult to speak English.
4. I registered to vote in Boston as soon as I became a U.S. citizen. I first voted in 2002 at the Quincy School. In that election, the ballot was in English only. It was very hard for me to figure out the ballot, because I could only recognize certain letters of the alphabet. But because the ballot listed the entire names of the candidates in English, I couldn't decipher all the names on the ballot.
5. Right before that 2002 election, I attended a community meeting, where I received materials that had the names, descriptions, and photos of the candidates. On these papers, there was a number next to each candidate. I marked up the numbers corresponding to the candidates that I wanted, before Election Day. It was necessary for me to bring this piece of paper into the polling booth, so that I could match up the numbers with the numbers on the ballot. I was concerned that I could have voted incorrectly, so I was very careful in matching up the numbers. I would also do my best to check the last names of the candidates, but it was very hard because English is not my native language and I had trouble recognizing all the letters in English.

**Exhibit Q**

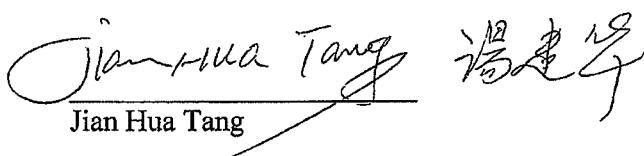
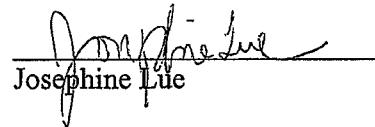
6. In the May 2007 city election, I voted at the Metropolitan Community Room. I saw that the ballot was bilingual in Chinese and English, and that it contained the names of the candidates in Chinese. It made me feel very happy to see this, because it was no longer difficult for me to vote. Because all the candidates' names were written in Chinese on the ballot, I had no problem at all recognizing them and marking them on the ballot.

7. I read the Chinese language newspapers every day. I read about the candidates in the news articles in these papers, and I am familiar with the candidates by their Chinese transliterated names. In the May 2007 election, I recognized all the candidates by their Chinese transliterated names as they appeared on the ballot, because I had already memorized them and the names were all in my head before I went to vote.

8. It is extremely helpful for me to have the Chinese transliteration of the candidates' names on the ballot. It is now very clear to me, as soon as I see the ballot, exactly where the candidates that I want to vote for are on the ballot. So I know for sure that I won't make any mistakes in marking the ballot. I am happy because I am no longer concerned that I made a mistake, whereas before, when the candidates' names were in English only, I took a very long time to mark the ballot and still I was concerned that I may have marked the ballot incorrectly.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 27, 2007

  
Jian Hua Tang  
  
Josephine Lue

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Jian Hua Tang as told to me this 27th day of June 2007.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
	)	

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**DECLARATION**

I, Qiu Qing Yu, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on June 18, 1927, and came to the United States in 1984. I became a U.S. citizen approximately in 2002.
2. I live at 450 Tremont Street. Apt. #83 in Boston, Massachusetts.
3. Cantonese is my native language. I can recognize some English letters, but I cannot read or communicate in English.
4. I registered to vote in Boston the same year that I became a U.S. citizen. I vote every chance I get. I last voted in the April and May 2007 city elections in Boston. In those elections I voted at the polling place located at the Franklin Institute, which is located near the apartment complex where I live. I have voted at this polling place many times.
5. I have voted in elections where the candidates' names were not transliterated in Chinese, and written in English only on the ballot. Because I can't read English, I attended Chinese community organization meetings to learn about who the candidates were and about their positions on issues. I want to know who I am voting for. At these meetings I received a piece of paper with a list and description of the candidates, with their names in both English and Chinese. I would study this piece of paper and try to memorize the number of the candidates I wanted to vote for. I always brought this piece of paper with me into the polling booth, so that I could try to match up the candidates' numbers with the ballot inside the booth. I would look at the candidate number circled on my piece of paper and do my best to match it on the ballot, but this

**Exhibit R**

was very difficult for me to do. I have seen Chinese-speaking voters of all ages needing to get help from poll workers to figure out what to do, including how to figure out who and where the candidates are on the ballot. For example, a Chinese-speaking voter would tell the Chinese bilingual worker which candidate she wanted to vote for, then the worker would tell the voter which number corresponded to that candidate.

6. I find it much easier to vote, now that the ballot contains a Chinese transliteration of the candidates' names. Now I can read the candidates' names on my own. I don't need to bring in the piece of paper anymore. I don't have to ask anyone anymore. Now that I can read the candidates' names for myself, I can see exactly where they are on the ballot. I believe that having the Chinese transliteration of the candidates' names is greatly helpful to Chinese-speaking voters like myself.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 27, 2007

  
\_\_\_\_\_  
Qiu Qing Yu

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Qiu Qing Yu as told to me this 27th day of June 2007.

  
\_\_\_\_\_  
Josephine Lue

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff                    )  
                                )  
v.                            >) CIVIL ACTION  
                                >) NO. 05-11598-WGY  
                                )  
CITY OF BOSTON, MASSACHUSETTS, ) DECLARATION  
ET AL.,                      >) THREE-JUDGE COURT  
                                )  
Defendants                    )  
\_\_\_\_\_)

**DECLARATION**

I, Lin Kay Ching, make the following declaration based on personal knowledge:

1. I was born in Shanghai, China, on April 17, 1948. I came to the United States in 1979. I became a U.S. citizen approximately in 1988.
2. I reside at 494 Tremont Street, Apt. #62 in Boston, Massachusetts.
3. I speak Cantonese and can speak a little English. I cannot read in English.
4. I voted on May 15, 2007 for city council at the Franklin Institute. I used The Chinese transliteration of the candidate names helped me understand who I was voting for. It was the first time I understood the whole ballot and knew who I was voting for. If the names of the candidates were written in English I would not have been able to understand it.
5. I have voted in previous elections in Boston. The ballot used to be in English. I cannot recognize the Candidate's whole name in English on the ballot. I guess who is who on the ballot, for example, if there is one woman and the rest men I guess who the woman might be and vote for her. I cannot read the whole ballot in English. I cannot understand the whole names of the candidates in English. I cannot understand who I am voting for in English.
6. I know who I want to vote for because I read the Chinese newspaper. The Chinese newspaper has the name of the candidates in Chinese and everyone knows who it is. I hope to keep the Chinese ballot. It is easier for the citizens to vote and know who they are voting for.

**Exhibit S**

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Alice Leung, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 26, 2007

Kay ching lin 漆程基  
Lin Kay Ching

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Lin Kay Ching as told to me this 26th day of June 2007.

Alice Leung  
Alice Leung

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff                    )  
                                )  
v.                            >) CIVIL ACTION  
                                >) NO. 05-11598-WGY  
                                )  
CITY OF BOSTON, MASSACHUSETTS, )     DECLARATION  
ET AL.,                      >)     THREE-JUDGE COURT  
                                )  
Defendants                    >)  
\_\_\_\_\_ )

**DECLARATION**

I, Yim Chui Hui, make the following declaration based on personal knowledge:

1. I was born in Canton, China, on December 8, 1959, and came to the United States in 1982. I became a U.S. citizen approximately in 1988.
2. I reside at 3 Maple Place in Boston, Massachusetts.
3. I speak Cantonese and understand very little English.
4. I first voted in Boston in the 2004 Presidential election.
5. I most recently voted in Boston in the municipal election in 2007 in mid-May. I also voted in the April 2007 election.
6. In the mid-May election, the names of the candidates were transliterated in Chinese.
7. I have previously voted in elections in Boston where the names of candidates appeared only in English. I would bring bilingual election materials to help me choose a candidate. I received these materials either from people that came to my house or from people on the street as I was on my way to vote.
8. I circle the name of the candidate in English that I want to vote for on the election materials I received. I then place the circled candidate next to the ballot and mark the candidate that matches the letters on my election materials. For example if I selected the candidate and his name began with a "y," when I brought the election

**Exhibit T**

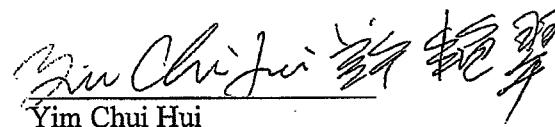
material to vote, I would look for the candidate on the ballot whose name also started with the letter "y" and then I would vote for that candidate.

8. I received these materials either from people that came to my house or from people on the street as I was on my way to vote.

9. It is helpful to me to have the names of the candidates transliterated because it makes it clearer to me who I am voting for. It takes much less time to vote and it is easier because the name is in my own language. When the names of the candidates are transliterated in Chinese, I am able to make my own decision.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 26, 2007



Yim Chui Hui

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Yim Chui Hui as told to me this 26th day of June 2007.



Josephine Lue

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                              )  
Plaintiff                  )  
                              )  
v.                          ) CIVIL ACTION  
                              ) NO. 05-11598-WGY  
                              )  
CITY OF BOSTON, MASSACHUSETTS, ) DECLARATION  
ET AL.,                     ) THREE-JUDGE COURT  
                              )  
Defendants                )  
\_\_\_\_\_ )

**DECLARATION**

I, Kit Wan Ho, make the following declaration based on personal knowledge:

1. I was born in Guangzho, China, on March 9, 1922, and came to the United States in 1986. I became a U.S. citizen approximately in 1992.
2. I reside at 80 Mason Street Apt. # 303 in Boston, Massachusetts.
3. I speak Cantonese and cannot read or understand English very well.
4. I first voted in 1992 as soon as I became a citizen. I vote regularly in every election in Boston.
5. When the candidates' names are not transliterated in Chinese, I have to rely on information from community groups in order to vote. I get information about candidates from community groups. At community meetings I learn the number the candidate I want to vote for will be on the ballot. I then mark the corresponding number on the ballot when I go vote. I am not able to understand the names of the candidates in English.
6. It is necessary for the names of the candidates to be transliterated in Chinese in order for me to vote meaningfully. If the names of the candidates were transliterated in Chinese, I could decide for myself if I wanted to vote for a candidate. I would not be dependant on matching the number I am given at the community meeting with the corresponding number on the ballot. I would not have to rely on someone telling me to vote for a particular number and I would be able to vote on my own.

**Exhibit U**

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: July 2, 2007

Kit Wan Ho  
Kit Wan Ho

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Kit Wan Ho as told to me this 2nd day of July 2007.

Josephine Lue  
Josephine Lue

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Civil Action No. 05-11598-WGY  
                                )  
                                THREE-JUDGE COURT  
CITY OF BOSTON,            )  
MASSACHUSETTS, et al.,     )  
                                )  
Defendants.                )

RESPONSE TO OPPOSITION TO THE UNOPPOSED MOTION TO CLARIFY

EXHIBITS V - AE

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
Plaintiff, )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) NO. 05-11598-WGY  
ET AL., ) DECLARATION  
Defendants. ) THREE-JUDGE COURT

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**DECLARATION**

I, Fook Pui Chan, make the following declaration based on personal knowledge:

1. I was born in Canton, China, on July 6, 1925, and came to the United States approximately in 1976. I became a U.S. citizen approximately in 1980.
2. I reside at 230 Stuart Street, Apt #409 in Boston, Massachusetts 02116. I have lived at this address for about two years.
3. I speak Cantonese and have trouble understanding or communicating in English.
4. Shortly after becoming a U.S. citizen, I started voting in Massachusetts and have voted regularly since that time. I first voted in Boston in 2002. I last voted in the election held in May 2007. This was the election held to fill a seat after a politician passed away. In that election I voted at a polling place located at a school across from the A&P Supermarket.
5. In this election, I remember that the names of the candidates were transliterated into Chinese on the ballot. I remember when the entire ballot used to be in English only. At that time, I couldn't read or understand anything on the ballot, and so I voted in a cloud, without knowing what I was doing. I didn't know who or where the candidates' names were on the ballot. Therefore, I had no interest in voting.
6. Now that the ballot has the names of the candidates in Chinese, I have regained my interest in voting because now I can see and understand who I am voting for. It is very easy now. It is necessary that the candidates' names be transliterated in Chinese.

**Exhibit V**

Older citizens like me can't read the candidates' names in Chinese. In English, I didn't know who was who. There are so many English names on the ballot, and I get confused. For example, in English, the last names are in a different order than in Chinese, so I get confused. Even if the rest of the ballot is translated in Chinese, if the candidates' names are not in Chinese, I couldn't read or recognize them at all. It was very much a problem. A ballot that is in Chinese but that doesn't have the candidates' names in Chinese is useless.

7. I read the Chinese language newspaper every day. I know the Chinese names of the candidates from reading them in the Chinese newspaper. But I don't know their English names. I am able to recognize the candidates' names in Chinese on the ballot by remembering them from the Chinese newspaper articles.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 26, 2007

Fook Pui Chan 陳福珍  
Fook Pui Chan

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Fook Pui Chan as told to me this 26th day of June 2007.

Josephine Lue  
Josephine Lue

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) NO. 05-11598-WGY  
ET AL., ) DECLARATION  
Defendants ) THREE-JUDGE COURT

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DECLARATION

I, Rui Qin Chen, make the following declaration based on personal knowledge:

1. I was born in Toisan, China, on April 26, 1927, and came to the United States in 1982. I became a U.S. citizen in approximately 1990.
2. I reside at 285 Tremont Street, Apt # 708 in Boston, Massachusetts.
3. I speak Toisanese. I do not know any English.
4. I've been voting as often as I can since 1991.
5. Before each election, I regularly attend voter workshops to get information on the candidates. During these workshops, I determine the candidate that I prefer and mark his name on the sample translated ballot provided during the workshop. When I go to vote, I take into the voting booth this sample translated ballot that I've marked. In the booth, I compare the sample ballot with the official ballot I receive at the poll site. Because I can't recognize any of the English names or letters, I count down the ballot to the location I believe my preferred candidate is listed. I am very careful when I select my candidate. It would be best if the candidates' names were printed in Chinese on the ballots. If the ballots had the transliteration of candidate names from the Chinese-written newspapers, I would be able to understand and recognize the candidates' names.

Exhibit W

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: July 5, 2007

Rui Qin Chen 陳瑞琴  
Rui Qin Chen

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Rui Qin Chen as told to me this 5th day of July 2007.

Josephine Lue  
Josephine Lue

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) DECLARATION  
ET AL., ) THREE-JUDGE COURT  
Defendants )  
\_\_\_\_\_  
)

DECLARATION

I, Kwok Cheuk, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on December 5, 1929, and came to the United States in 1970. I became a U.S. citizen in approximately 1998.
2. I reside at 285 Tremont Street, Apt # 606 in Boston, Massachusetts.
3. I speak Toisanese. I do not know any English. When I became an American citizen I took the citizenship exam in Chinese.
4. I've been voting as often as I can since I became a U.S. citizen in 1998.
5. I attend voter workshops held by the Chinese Progressive Association. I get the translated materials and sample ballots. I select my preferred candidate before I go to the polls. When I arrive at the polls, I match the ballot with my sample ballot and count down to find my preferred candidate. After I count down the ovals or names on the ballot, I select the name that is in the location where I believe my preferred candidate is listed at. I'm very careful when I count.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: July 5, 2007

**Exhibit X**

KWOK CHEUK FOY   
Kwok Cheuk

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Kwok Cheuk as told to me this 5th day of July 2007.

Josephine Lue  
Josephine Lue

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff                    )  
                                )  
v.                            ) CIVIL ACTION  
                                ) NO. 05-11598-WGY  
                                )  
CITY OF BOSTON, MASSACHUSETTS, ) DECLARATION  
ET AL.,                      ) THREE-JUDGE COURT  
                                )  
Defendants                    )  
\_\_\_\_\_ )

DECLARATION

I, Jin Ying Wong-Kwong, make the following declaration based on personal knowledge:

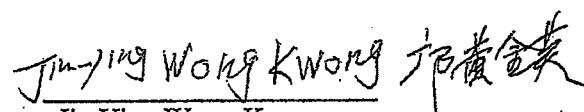
1. I was born in Toisan, China, on June 17, 1933, and came to the United States October 3, 1985. I became a U.S. citizen in July 2001.
2. I reside at 1 Washington, Apt. E021, in Boston, Massachusetts.
3. I speak Cantonese and Toisanese. I do not know any English.
4. I vote around the corner at the Franklin Institute. I first voted in 2001. I go every time there is an election.
5. The first time I voted there was a very long line of people waiting to vote. When I go to vote, there's usually the same woman working outside telling people who to vote for. I don't listen to her.
6. When I vote, I try to memorize the first letters of my preferred candidate's names. I try very hard to remember. Now that the ballots are in both Chinese and English, I don't have to work so hard to memorize the names of my preferred candidates before I go to polls. Voting for me this year was much easier. There was one problem this year when I tried to vote in April and May. A poll worker at my poll site had trouble finding my name. But the worker asked the Chinese poll worker to assist, and they were able to find my name. The poll workers were able to get it resolved.
7. It's very good that Chinese Progressive Association provides us with information. If it wasn't for the CPA, we wouldn't learn anything about the candidates

Exhibit Y

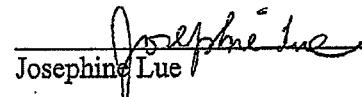
because everything is in English. For the April and May 2007 election, several of the candidates visited our community together and took turns speaking with us one evening at the Quincy School cafeteria in April. They came personally and it was very helpful. This is the first time I remember candidates coming to visit with members of the Chinese community. This was new and very helpful. There was a translator there translating the candidates' speeches into Cantonese. There was a question and answer session where Chinese-speaking citizens could ask questions to the candidates via the translator. The candidates are coming to the Chinese-speaking community looking for votes. At this meeting at the Quincy School, there were materials about each candidate in English and Chinese. The transliterated names in the materials provided to voters at the Quincy school matched the names on the Chinese ballots. It was very easy. Later, before the general election in May, the two main candidates came back to our community on their own.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: July 5, 2007

  
Jin Ying Wong-Kwong  
Jin Ying Wong-Kwong

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Jin Ying Wong-Kwong as told to me this 5th day of July 2007.

  
Josephine Lue  
Josephine Lue

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) NO. 05-11598-WGY  
ET AL., ) DECLARATION  
Defendants ) THREE-JUDGE COURT

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DECLARATION

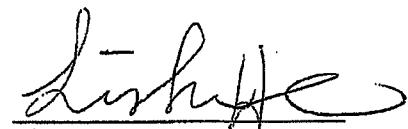
I, Li Zhen He, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on September 13, 1957, and came to the United States in July 2000. I became a U.S. citizen approximately in 2005.
2. I reside at 888 Washington Street, Apartment 702, Boston, Massachusetts.
3. I speak Cantonese and can understand very little English.
4. I voted for the first time in May 2007 at the poll site at the Metropolitan Community Center. I was able to understand the names on the ballot because they were translated into Chinese. Because it was translated, I did not need any help voting. I was able to vote very quickly in the May 2007 election.
6. I read the Chinese language newspapers and understand the English names that are translated into Chinese.
7. I plan to vote in the election in September 2007 and future elections, especially when the English names are fully translated.

Exhibit Z

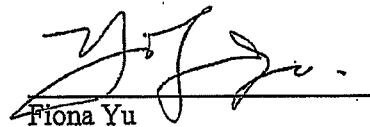
I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Fiona Yu who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 29, 2007



Li Zhen He

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Li Zhen He as told to me this 29th day of June 2007.



Fiona Yu

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) NO. 05-11598-WGY  
ET AL., ) DECLARATION  
Defendants ) THREE-JUDGE COURT

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DECLARATION

I, Tong Sun Kwong, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on December 22, 1927, and came to the United States in October 1985. I became a U.S. citizen in July 2001.
2. I reside at 285 Tremont Street, Apt # E021 in Boston, Massachusetts.
3. I speak Cantonese, Mandarin, Toisanese, and several other Chinese dialects. I do not know any English. When I became an American citizen I took the citizenship exam in Chinese.
4. I've been voting in every election since 2001.
5. Before the election, the Chinese Progressive Association sends people over to our apartment building and they will go over the procedures and platforms for each candidate. On election day, since so many people at our apartment complex are old and handicap, rides are offered to those that are immobile.
6. Before when elections were only in English, it was very difficult because I don't understand English. It was very inconvenient to vote. It took a long time. Poll workers were inconvenienced because so many of us needed assistance. Often long lines were created because so many of us needed assistance. These long lines happened every time the ballot was not in Chinese.
7. Now that the ballots are translated into Chinese I'm very happy and more satisfied with the ballot. It's much more convenient for everyone now. It's convenient

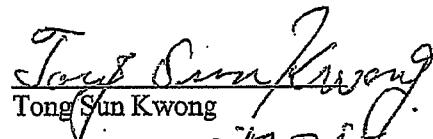
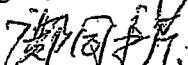
Exhibit AA

now for poll workers as well as young and old voters. It's much better. If the candidate names are no longer transliterated, then only people that speak English can vote. Everyone in my community will have to ask each other questions to figure out what to do. It will be very difficult again.

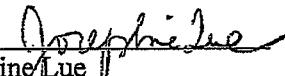
8. Outside the polling locations there were campaigners telling people how to vote. I don't think it's appropriate. Picking my candidate is my business and it's not anyone else's. I don't know these campaigners so why are they telling me who to vote for.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Josephine Lue, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: July 5, 2007

  
Tong Sun Kwong  


I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Tong Sun Kwong as told to me this 5th day of July 2007.

  
Josephine Lue

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) DECLARATION  
ET AL., ) THREE-JUDGE COURT  
Defendants )  
\_\_\_\_\_  
)

DECLARATION

I, Yick Siu Quan, make the following declaration based on personal knowledge:

1. I was born in Guandong, China, on May 26, 1931, and came to the United States in December 1985. I became a U.S. citizen approximately in 1994.
2. I reside at 80 Mason Street Apt. # 712, Boston, Massachusetts.
3. I speak Toisanese, Mandarin, and Cantonese. I can read and speak very little English.
4. I registered to vote shortly after I became a citizen in 1994 and have voted regularly in Boston ever since. I used to vote in the Quincy School, but now I vote at the Metropolitan Community Center.
5. I regularly attend voter workshops conducted by the Chinese Progressive Association (CPA) prior to elections.
6. When I voted in the April and May 2007, the ballot was completely translated with the candidate names. It was much easier to vote this time because the ballot was fully translated. I was able to vote much faster and without assistance. Because of the translation I was able to meaningfully pick the candidates that I wanted to vote for. More members of the Chinese-speaking community voted in this election because they knew the ballot would be fully translated.
7. It is important to have the names fully translated on the ballot, because many elderly members of the Chinese community, especially women, speak very little English.

Exhibit AB

Because many of the elderly members of the community cannot understand the ballot, they will not vote.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Fiona Yu, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 29, 2007

  
\_\_\_\_\_  
Yick Siu Quan

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Yick Siu Quan as told to me this 29th day of June 2007.

  
\_\_\_\_\_  
Fiona Yu

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff                    )  
                                )  
v.                            ) CIVIL ACTION  
                                ) NO. 05-11598-WGY  
                                )  
CITY OF BOSTON, MASSACHUSETTS, ) DECLARATION  
ET AL.,                      ) THREE-JUDGE COURT  
                                )  
Defendants                    )  
                                )

DECLARATION

I, Kwani Fong Chau Wu, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on August 11, 1928 and came to the United States in 1981. I became a U.S. citizen approximately in 1998 or 1999.
2. I reside at 230 Harrison Ave, Apt D706 in Boston, Massachusetts.
3. I speak Cantonese. I am unable to speak or read in English. I had been in the United States more than 15 years so I was able to take the citizenship exam in Chinese.
4. I vote regularly. I started voting as soon as I became a citizen. I voted first at the Quincy School and then at Metropolitan. I most recently voted in the April 2007 election, as well as the special city election in May 2007.
5. In previous years all the elections were conducted in English. Now they use Chinese on the ballot and it is good. I am very happy that Chinese language is being used. It is a sign that the United States sees Chinese people in a positive and respectful way.
6. In the past, when the ballot didn't have the candidates' names in Chinese, I needed to use the help of assistors from CPA to help me translate and read the ballot. I could not read the ballot without their help. They explained it to me and other Chinese people. There was no way I could have known who was on the ballot without these interpreters.

**Exhibit AC**

7. In the past, before there were Chinese ballots, if CPA wasn't there to explain it the content of the ballot in English I wouldn't even know how to vote. I would go into the polls and carelessly vote for whomever.
8. In the past at Quincy School even though there were people there who spoke Chinese, I would go into the booth by myself and fill in any blanks by myself. I couldn't read English so I had no idea for whom I was voting. I just filled in anything, but I did it by myself. The Chinese speaking poll workers would approach me and tell me how to fill in the circle but I made sure I filled in the circles myself. I didn't know who it was for though. I just randomly chose people on the ballot.
9. Now that there are Chinese ballots we can be more seriously engaged about who and what we want to vote for. Now that the names are in Chinese, I am so happy because I know who I am voting for. I can read the ballot by myself. Now I can understand who the candidate is when I vote. I can read about the candidates in the Chinese paper, and know their positions, where they are from, and who are the good candidates that are good for the people. Then I recognize their transliterated names on the ballot and I can vote on them.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Alice Leung, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: June 27, 2007

WU CHAU KWAN FONG  
胡周群芳

Kwan Fong Chau Wu

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Kwan Fong Chau Wu as told to me this 27th day of June 2007.

Alice Leung

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
	)	

DECLARATION

I, Qiu Bo Wu, make the following declaration based on personal knowledge:

1. I was born in Guangdong, China, on November 22, 1935, and came to the United States in 1987. I became a U.S. citizen in 1993.
2. I reside at 21C Emerald Court, Boston, Massachusetts.
3. I speak Mandarin. I do not know any English.
4. I've been voting for two years. I've participated in every election since I began voting. I vote at the Franklin Institute.
5. I participate in the voter education workshops conducted by Chinese Progressive Association (CPA) at my apartment complex. From these workshops, I collect information about the different candidates and afterwards choose who I want to vote with. These workshops are very important to me because they help me learn about candidates and decide who to vote for. My friends go to these workshops with me. It is important that I go to these workshops because I can get information translated into Chinese about the election and the candidates.
6. When I vote, I go to the polls with my husband who speaks English. He helps me find my candidates names on the ballot. When my husband can't make it, I go to the polls with my friends. I will rely on the poll workers to help me vote. Many of my friends do not speak English, so they also have to rely on the poll workers to assist them.

7. I voted in the recent elections in April and May. These elections were much better. My husband went with me to vote in April and May. But because it was all translated I didn't really need his help much. The translations made sense to me and I could understand the candidates' names.

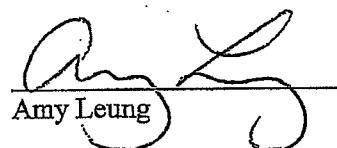
8. The Chinese-speaking citizen population is very big and it is very important to have the ballots fully translated with candidate names. The power to vote is very important and it is very important for the voters to understand and know the process. If it is just in English, there is no way for the Chinese-speaking citizens to understand. If the materials are in English, then many of the Chinese-speaking would not participate. This helps my community understand government and the process much better. It is very important that we vote.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Amy Leung, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: July 3, 2007

  
Qiu Bo Wu

I certify that I am fluent in both Chinese and English and that the foregoing is the accurate translated declaration of Qiu Bo Wu as told to me this 3rd day of July 2007.

  
Amy Leung

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) NO. 05-11598-WGY  
et al., ) DECLARATION  
Defendants. ) THREE-JUDGE COURT

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DECLARATION

I, Tobie Meyer-Fong, make the following declaration based on personal knowledge:

- 1) I am an Associate Professor of Chinese History at Johns Hopkins University. I hold a Ph.D. in East Asian History from Stanford University and have studied Mandarin Chinese since 1986 (21 years) and Classical Chinese since 1989. My research focuses on the history of Late Imperial and Modern China (i.e. roughly 1600-present) and I offer courses at Hopkins covering the full spread of Chinese history from Neolithic times to the present. I am attaching a recent c.v. for reference.
- 2) Because the Chinese language is not alphabetic, the problem of what to do with foreign words and names has posed a challenge to translators for a very long time. In all contexts where Chinese writers encountered foreign terms, place names, and personal names, those names had to be rendered into characters—either based on sound or meaning. Thus, when Buddhist texts began to be translated into Chinese in earnest during the fourth and fifth centuries (CE), those involved either had to translate literally or transliterate specialized religious terms and names. In many cases, they chose to transliterate. When the Jesuits arrived in China in the sixteenth century, their names, and those names that appeared in the religious and scientific texts they brought with them had to be transliterated in order to render them intelligible to Chinese readers. For example, the famous Jesuit Matteo Ricci (1552-1610) adopted the Chinese name “Li Madou 李瑪竇,” characters clearly chosen for their pronunciation rather than for their meaning. If translated literally,

Exhibit AE

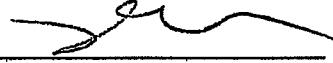
they would read “Plum-Agate-Hole” but the point is that the characters were meant to represent sounds rather than meanings—and it would have been clear to readers that this was a name and not something meant to be understood as individual, meaning-bearing characters. Names appearing in texts also had to be translated into Chinese characters, and again, we see that choices were made on the basis of sound, rather than meaning. We see this, for example, in the long lists of names appearing in genealogical passages in the bible—which Chinese readers understand as names (exotic names, to be sure) and not as nonsensical strings of meaning-bearing characters. In other words, they are understood purely as transliteration. After the Opium War in the mid-nineteenth century, foreigners who lived and worked in China adopted Chinese names—and it is by those names that they are recorded in China’s history books.

- 3) Both then and now, foreigners whose names appear in Chinese books become familiar to Chinese readers under their transliterated names. Karl Marx, Sigmund Freud, Kissinger, Ronald Reagan, Bill Clinton, and Michael Jordan—are all household terms in China where they are known mainly by the characters chosen by the media to approximate the sounds of their names. People do not stop to think about what the characters mean individually—again, they consider the composite—as a sound—and a name. Most readers of Chinese, past and present, have become accustomed to encountering strings of Chinese characters that represent foreign names and terms—and they recognize the characters as foreign names. Thus, the “Sticky Rice-Romney” logic raised by the state and perpetuated in the press is a red herring.
- 4) It is worth noting that all Chinese names consist of meaning-bearing characters, and yet, even if one is acquainted with someone whose name literally means “Forest-Little-Red”—you think of them as “Lin Xiaohong” without reference to the meanings of the individual characters. Furthermore, Chinese surnames themselves do not always have positive connotations—the surname Tu 傅 for example means “to butcher”—but this is not the first thing that comes to mind when one meets someone with that surname.
- 5) Cantonese and Mandarin rely on the same set of Chinese characters—even as Spanish and French and Vietnamese are all represented in roman letters (obviating the need for transliteration of English names into those languages)—and the written language is accessible to speakers of all Chinese dialects. A Cantonese reader will pronounce the characters differently from a Mandarin speaker and indeed they will find texts read aloud in the other dialect nearly unintelligible. However, if the characters chosen to represent a particular name are standardized (i.e. if all the newspapers are using the same characters for a particular candidate—as is the case under Boston’s procedures), readers of the newspapers will recognize the names as written and associate them with the candidate, regardless of the dialect that they speak. Native speakers of different dialects might choose different characters to represent the sounds of the same English names, as in the State’s exhibits, and indeed, different speakers of the

same dialect might choose different characters to represent the same sounds. However, if Chinese voters are made familiar with a single transliterated name—through the use of standardized transliterations in the Chinese-language press and in voter education materials, they will read those names and associate them with the designated candidates—even as the names of Darwin, Hegel, Socrates, Sakyamuni (the historical Buddha), and Shakespeare have now become common—and standardized—knowledge in transliteration in China.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: July 20, 2007



Tobie Meyer-Fong

### **Tobie Meyer-Fong**

Department of History  
Johns Hopkins University  
3400 North Charles St.  
Baltimore, MD 21218  
410-516-3324  
tmeyerf@jhu.edu

#### ***Education and Academic Honors***

##### **Stanford University:**

Ph.D., History, September 1998, Recipient of the Rosenfield Prize for Excellence in Writing as Demonstrated in the Doctoral Dissertation (Awarded in 1999).  
Principal Advisors: Harold L. Kahn, Lyman P. Van Slyke  
Primary Field: East Asia since 1600  
M.A. conferred: January 1994.

##### **Nanjing University:**

Visiting graduate student, Department of History, February 1995 - February 1996.

##### **University of Tokyo:**

Visiting researcher, Institute of Oriental Culture, August 1994 - February 1995, June 2001.

##### **Yale University:**

B.A., History, May 1989, Distinction in Major, *summa cum laude*, Phi Beta Kappa.

#### ***Academic Employment***

Associate Professor, Johns Hopkins University. July 2006 - present.  
Assistant Professor, Johns Hopkins University. July 2000 - present.  
Assistant Professor, George Mason University. August 1998 - July 2000.  
Visiting Researcher, Literature Institute, Chinese Academy of Social Sciences, Summer 2002.  
Visiting Scholar, Institute for International Studies, Hopkins Nanjing Center, October 2005.

#### ***Fellowships and Grants***

- Kluge Post Doctoral Fellowship, Library of Congress, summer 2006, spring 2007.
- American Council of Learned Societies Fellowship, 2005 - 06.
- Center for Educational Resources, Johns Hopkins University: Technology Small Grant. Funding to develop image database, website, and other tools for China: Neolithic to Song, 2003 - 2004.
- Kenan Grant for Innovative Teaching: Funding to develop course on early Chinese History. Krieger School of Arts and Sciences, Johns Hopkins University, Spring 2002.
- Mathy Junior Faculty Research Award, Funding for one semester leave, George Mason University, Granted competitively for Fall 2000, declined.

Page 2 of 6

- Weter Fellowship, Department of History, Stanford University, September 1997 - June 1998.
- Foreign Languages and Area Studies Grant, January - June 1996, September 1996 - June 1997.
- Committee on Scholarly Communication with China: for dissertation research at Nanjing University, February 1995 - January 1996.
- American Council of Learned Societies/Chiang Ching-kuo Foundation: for dissertation research at the Institute of Oriental Culture, University of Tokyo, August 1994 - February 1995.
- Mellon Summer Grant in East Asian Studies: Summer 1994.
- University Fellowship, Stanford University: Autumn 1990 - Spring 1994.

#### *Publications*

Rebellion Remembered: Violence, Community, and Commemoration in Nineteenth-Century China, in progress, under advance contract to Stanford University Press.

Building Culture in Early Qing Yangzhou, Stanford: Stanford University Press, 2003.

Qingchu Yangzhou wenhua (Translation of Building Culture), Zhu Xiuchun, trans. Shanghai: Fudan University Press, 2004.

"The Printed World: Books, Publishing Culture, and Society in Late Imperial China," Journal of Asian Studies, Forthcoming, August 2007.

"Packaging the Men of Our Times: Literary Anthologies, Friendship Networks, and Political Accommodation in the Early Qing," Harvard Journal of Asiatic Studies 64:1 (June 2004). pp. 5-56.

"Seeing the Sites in Yangzhou from 1600 to the Present," in *Huazhong you hua: Jindai Zhongguo shijue biaoshu yu wenhua goutu*, (*When Images Speak: Visual Representation and Culture Mapping in Modern China*). ed. Huang K'o-wu (Taipei: Institute of Modern History, Academia Sinica, 2003) pp. 213-51.

"Civil War and Urban Form: The Taiping Rebellion in Yangzhou," in Urban Morphology and the History of Civilization in East Asia (Kyoto: Nichibunken, 2004).pp. 213-35

"Making a Place for Meaning in Seventeenth Century Yangzhou," Late Imperial China, June 1999.

"Lüyang chengguo shi Yangzhou: Qingchu Yangzhou Hongqiao chengming sanlun," (Translation of "Making A Place for Meaning"), Dong Jianzhong, trans. Qingshi yanjiu. November 2001.

Review: Antonia Finname, Speaking of Yangzhou: A Chinese City, 1550-1850, Chinese Historical Review, Spring 2005.

Review: Ginger Cheng-chi Hsu, A Bushel of Pearls: Painting for Sale in Eighteenth Century Yangchow, Harvard Journal of Asiatic Studies, December 2002.

Review: Wang Zheng, Women in the Chinese Enlightenment, Journal of Asian and African Studies. 38: 1 (2003): 142-3.

*Panels and Invited Talks*

Discussant, "Forging Identities through Local Histories: The Ming and Beyond." Association for Asian Studies Annual Meeting, March, 2007.

Discussant, "City Life in Jiangnan," A Conference Co-sponsored by Academia Sinica, Chiang Ching-kuo Foundation Inter-University Center for Sinology, and Department of East Asian Languages and Civilizations at Harvard, October 2006.

Discussant, "News, Rumors, and Hearsay in Imperial China: Three Cases from Song, Ming, and Qing." Association for Asian Studies Annual Meeting, April 2006.

"Remembering the Dynasty's Dead: Commemorative Practice in 19<sup>th</sup> Century China," Columbia University, February 2006.

"English-language Scholarship on the History of Publishing in China," Yuan History Institute, Nanjing University, November 2005.

"Gathering in a Ruined City: Metaphor, Practice, and Recovery in post-Taiping Yangzhou," The Seminar, History Department, Johns Hopkins University, September 2005.

"City of Memories: Yangzhou after the Taiping Rebellion," University of Washington, Seattle, October 2004.

Discussant, "National and International Frameworks for Heritage Conservation," at conference: The Persistence of Traditions: Monuments and Preservation in Late Imperial and Modern China, Columbia University, April 2004

"Violence, Community, and Commemoration in Nineteenth-Century China: A Case Study," at the Asia Pacific Studies Program, George Mason University, November 2003

"Research on the Cultural History of Late Imperial China at the Library of Congress," for a Symposium on the 75<sup>th</sup> Anniversary of the Chinese Section at the Library of Congress, October 2003.

"Including Women: Deng Hanyi's Poetry Survey of the Famous Writers of the Realm, 1672" China Gender Studies Workshop, Harvard University, March 2003.

Discussant, "Literati Activism and Local Cultures," Association for Asian Studies Annual Meeting, March 2003.

Discussant, "Schedules of Work and Play of the Ming-Qing Literati," at Discourses and Practices of Everyday Life in Imperial China, a conference at Columbia University, October 2002.

Presentation (in Chinese) on research conducted as visiting scholar at the Literature Institute, Chinese Academy of Social Sciences, Beijing, August 2002.

Page 4 of 6

"Collecting Knowledge About Women in Early Qing China." Berkshires Conference, June 2002.

"After Catastrophe: Community, Memory, and the Taiping Rebellion in Yangzhou," China Humanities Seminar, Harvard University, on April 29, 2002.

"Seeing the Sights in Yangzhou," at the Visual and Material Perspectives on East Asia Workshop, University of Chicago, January 2002.

"Is Building Culture Material Culture?" at the Interdisciplinary Seminar in Asian Studies, University of Tokyo, June 2001.

"Picturing the Yangzhou Dream: Representations of Tourism, Past and Present," at Visual Representation and Culture Mapping in Modern China, 1600-present. Institute of Modern History, Academia Sinica, Taipei, May 2001.

Discussant, "Poetry, Parties, and Publishing," Association for Asian Studies Annual Meeting, March 2001.

"Constructing Historical Sites in the Early Qing," Center for Advanced Study Workshop on Qing Material Culture, Princeton, November 2000.

"Rectifying Local History and Reinventing Local Identities: Ruan Yuan in 19th Century Yangzhou," East Asian Studies Humanities Colloquium, University of Pennsylvania, October 2000.

"Rendering the Locale Imperial: The Transformation of Yangzhou during the Qianlong Emperor's Southern Tours," as part of the panel "Structures of Power: Architecture and Authority in Qing China," March 2000.

"Imperial Tourist, Local Site," Center for Chinese Studies, University of Michigan, October 1999.

"Packaging the 'Men of Our Times': Literary Anthologies and Political Accommodation in the Early Qing," at the "Qing Formation in Chinese and World Time," a conference at the University of Indiana, June 1999.

"Against the Current: Traditional China in the World History Classroom," as part of the panel "Teaching Traditional China in the Multi-cultural University," at the American Association for Chinese Studies, April 1999.

"Making a Place for Meaning in Early Qing Yangzhou," The Seminar, History Department, Johns Hopkins University, November 1998.

"Representations of Red Bridge: Cultural Significance in Late Seventeenth-Century Yangzhou," as part of the panel "Writing the City: The Production of Urban Culture in Seventeenth-century Jiangnan," at the Association for Asian Studies Annual Meeting, March 1998.

"Re-creation and Recreation: Tourism and the Renovation of Scenic Sites in Seventeenth-century Yangzhou," as part of the panel "Making Places Meaningful: Representations of Travel and

Page 5 of 6

Tourism in Late Imperial China," at the Association for Asian Studies Annual Meeting, March 1997.

**Courses Taught:**

**At Johns Hopkins:**

Seventeenth-Century China  
Monument and Memory in Asian History  
The Chinese Cultural Revolution  
Women and Modern Chinese History  
China: Neolithic to Song  
National Identity in Twentieth-Century China and Japan  
Graduate Seminar: Twentieth-Century China  
Graduate Seminar: The Ming-Qing Transition  
Graduate Seminar: Comparative Gender History (with Mary Ryan)  
Graduate Seminar: Qing Documents—Methods

**Additional Courses at George Mason:**

Modern Global System  
Modern East Asia  
Modern China

**Service to the Field:**

Co-editor (with Janet Theiss), Late Imperial China, March 2007- .

Advisory Board for Scholarly Publications of the Freer Gallery of Art and Arthur M. Sackler Gallery, Smithsonian Institution, 2006- .

Selection Committee for the Florence Tan Moeson Fellowship, Asia Division, Library of Congress, 2006.

Manuscripts reviewed for Journal of Asian Studies, Late Imperial China, Chinese Historical Review, Stanford University Press, Harvard University Press, Institute of Modern History at Academia Sinica.

Selection Panel Member, National Endowment for the Humanities, 2003.

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**Foreign Languages**

Excellent reading knowledge of classical Chinese, modern Chinese, and modern Japanese.  
Near-native fluency in spoken standard Chinese (Mandarin).  
Excellent spoken Japanese.

*Related Experiences*

**Smithsonian Associates**, Smithsonian Institution, Washington, DC: *Coordinator and Moderator* of a five-part lecture series on Ming dynasty art in its historical context. Autumn 1997.

**Nanjing Cable Television**, Nanjing, China: *Documentary Subject*. Hosted and narrated two fifteen-minute news features (in Chinese) on the alleys and canals of Yangzhou, December 1995.

**Central Translation Bureau**, Beijing, China: *Translator*, Summer 1992.

**National Palace Museum**, Taipei: *Translator*, Painting and Calligraphy Department. June 1989 - June 1990.

*Professional Memberships*

American Historical Association

The Association for Asian Studies

The Association for Studies of Chinese Society and Culture (Tokyo)

Traditional China Colloquium of Greater Washington

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Civil Action No. 05-11598-WGY  
                                )  
THREE-JUDGE COURT  
CITY OF BOSTON,            )  
MASSACHUSETTS, et al.,     )  
                                )  
Defendants.                )

RESPONSE TO OPPOSITION TO THE UNOPPOSED MOTION TO CLARIFY

EXHIBITS AF - AK

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) NO. 05-11598-WGY  
et al., ) DECLARATION  
Defendants. ) THREE-JUDGE COURT

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**DECLARATION**

I, Mee Chan, make the following declaration based on personal knowledge:

1. I am the Director of Summer Programs at the Saint James Catholic Church in Boston. I have been the Director for over 20 years. I have been a member of the Saint James Catholic Church for 20 years and I have been a member of the Boston Catholic Chinese Community for 40 years. The Saint James Catholic Church is located in Boston's Chinatown.
2. Catholics of Chinese descent are familiar with Jesus Christ, the patriarchs, prophets, judges, kings, disciples, apostles, saints, angels, priests, and other biblical characters according to the Chinese transliteration of their names in religious texts. One such text is the Bible that is used by the parishioners in our church. This edition of the Chinese Bible, printed in 1968, is used in Hong Kong, China and Taiwan. (copy of page with publication date attached as "A"). It is read by Chinese Catholics who speak all dialects of Chinese, including Cantonese, Mandarin, and Toisanese. It is the standard Catholic Chinese Bible. We use it in my church every Sunday for readings during the masses. We use it for Bible sharing and Bible study classes that meet here two times each month. It contains standard transliterations of names.
3. This edition of the Bible contains the Gospel According to Saint Matthew, verses 1-16, which verses document the ancestry of Jesus, "A genealogy of Jesus Christ, son of David, son of Abraham," and contain the Chinese transliterations of 48 names of ancestors of Jesus Christ, including Jesus, Mary and Joseph. Each name is phonetically transliterated and appears in Chinese characters in this bible (attached as "B").
4. The literal meaning of the characters in the Chinese transliteration of Western names could have nonsensical meanings. However, readers of Chinese transliterated

**Exhibit AF**

names easily would recognize these names as transliterated and therefore would disregard any such nonsensical meanings. For example, the literal meaning of the characters in the Chinese transliteration of Mary would mean "agate, carnelian" and "sharp," "profit," "interest on a bank account," "cutting." Matthew would have the same Ma as Mary ("agate, carnelian") plus "sluice, hole, drain, or error." Jesus would translate to "revive," "rest" or "collect" and Joseph would mean "like" or "if" and "a kind of musical instrument," "dignified," or "chilly," St James would translate as "uncle," and David, "arrive to, taste." Chinese people reading the transliterated names would recognize the Chinese characters as representing the names of the corresponding figure in the Bible. Accordingly, they would never make fun of the biblical figures based upon the literal meaning of the Chinese characters in the transliterated names. Instead, biblical figures, as identified by their transliterated names, are viewed appropriately with reverence by Chinese Catholics.

5. Chinese Catholics reading this Bible, regardless of the Chinese dialect they speak, know the figures connected with the transliterated names, and are not confused.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: July 20, 2007

  
Mee Chan

聖經

思高聖經學會譯釋

A

III.

序

中文新舊約合訂本幾經艱辛，終於出版面世了。現在謹以孝愛的心腸，與興奮的心情，將此書獻給我國的天主教會。我們由衷地感謝萬善萬美之源在天之父，虔恭地懇求他降福我們的每一位神形恩友。我們明知，如果沒有他們精神方面的支持與物質方面的援助，這部中譯聖經合訂本，很難於今日完成。我們更懇求天父，以聖神的恩澤，充溢每位讀者的心靈，為光榮他和他的聖子，我們的救主耶穌基督。最後，我們以至誠的心，深望每位讀者，效法天主之母，童貞聖母瑪利亞，常將天主子耶穌基督的奧體，默存於心，反覆思念（路2<sup>19</sup> 51）。

Ex parte Ordinis NIHIL OBSTAT quomodo Versio Sinica  
Sacrae Scripturae utriusque Testamenti, a nostro Studio  
Biblico Honkoniensi exarata, recognita et adnotationibus  
ornata, publici juris fiat.

In Protocoenobio S. Mariae Angelorum "de Portiuncula"  
Assisi, die 13 Junii 1967

fr. Constantinus Koser  
Minister Generalis O. F. M.

IMPRIMATUR

Ex aedibus Curiae Episcopalis  
Hong Kong, die 11 Februarii 1968  
Laurentius Bianchi Episcopus

## 瑪竇福音

### 耶穌童年史（1-2）

第一章 族譜 亞巴郎之子達味之子耶穌基督的族譜：

① 亞巴郎生依撒格，依撒格生雅各伯，雅各伯生猶大和他的

兄弟們；猶大由塔瑪爾生培勒茲和則業黑勒茲生赫茲龍，

赫茲龍生阿蘭，阿蘭生阿米納達布，阿米納達布生納赫雄，納

赫雄生撒耳孟，撒耳孟由辣哈布生波阿次，波阿次由盧德生

數目得，數目得生葉瑟，葉瑟生達味王，達味由烏黎雅的妻子

赫雄生撒耳孟，撒耳孟由辣哈布生波阿次，波阿次由盧德生

共十四代。 生於童貞女 耶穌基督的誕生是這樣的：他的母親瑪利

亞許配於若瑟，在同居前，她因聖神有孕的事已顯示出來。

她的丈夫若瑟因是義人，不願公開羞辱她，有意暗暗地休退

她。當他在思慮這事時，看在夢中上主的天使顯現給他說：

「達味之子若瑟，不要怕娶你的妻子瑪利亞，因為那在她內

受生的，是出於聖神。她要生一個兒子，你要給他起名叫耶穌，

因為他要把自己的民族，由他們的罪惡中拯救出來。」這一

切事的發生，是爲應驗上主藉先知所說的話：「看！一位貞女，

若瑟生耶穌；但若瑟在名義和法律上仍是耶穌的父親，有父的

一切權利。（21-25兩節。）

① 聖史於卷首列出耶穌的族譜，是證明救主應生於亞巴郎和達味後裔的預言，在耶穌身上應驗了。「耶穌」意即「救主」（21節），是天主子降生為人的名字。「基督」爲希臘文希伯來作「默西亞」，意即「受傳者」，表示他的職位和使命。此處族譜如與路3:23-38對照，顯然不全焉。僅列著名者，又爲便於記憶，分爲三組，每組十四位。

② 瑪利亞因聖神的德能受孕生耶穌（20節路1:15），爲此族譜中未說。

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# THE GOSPEL ACCORDING TO SAINT MATTHEW

## I. THE BIRTH AND INFANCY OF JESUS

The ancestry of Jesus

A genealogy of Jesus Christ, son of David, son of Abraham<sup>a</sup>:

Abraham was the father of Isaac,  
Isaac the father of Jacob,  
Jacob the father of Judah and his brothers,  
Judah was the father of Perez and Zerah, Tamar being their mother,  
Perez was the father of Hezron,  
Hezron the father of Ram,  
Ram was the father of Amminadab,  
Amminadab the father of Nahshon,  
Nahshon the father of Salmon,  
Salmon was the father of Boaz, Rahab being his mother,  
Boaz was the father of Obed, Ruth being his mother,  
Obed was the father of Jesse;  
and Jesse was the father of King David.

David was the father of Solomon, whose mother had been  
Uriah's wife,

Solomon was the father of Rehoboam,  
Rehoboam the father of Abijah,  
Abijah the father of Asa,  
Asa was the father of Jehoshaphat,  
Jehoshaphat the father of Joram,  
Joram the father of Azariah,  
Azariah was the father of Jotham,  
Jotham the father of Ahaz,  
Ahaz the father of Hezekiah,  
Hezekiah was the father of Manasseh,  
Manasseh the father of Amon,  
Amon the father of Josiah;  
and Josiah was the father of Jechoniah and his brothers.  
Then the deportation to Babylon took place.

After the deportation to Babylon:  
Jechoniah was the father of Shealtiel,  
Shealtiel the father of Zerubbabel,  
Zerubbabel was the father of Abiud,  
Abiud the father of Eliakim,  
Eliakim the father of Azor,

<sup>a</sup> Showing the descent of Joseph, legally the father of Jesus, from Abraham and David, to whom the messianic promises were made.

1:14

## MATTHEW

14 Azor was the father of Zadok,  
 Zadok the father of Achim,  
 Achim the father of Eliud.  
 15 Eliud was the father of Eleazar,  
 Eleazar the father of Matthan,  
 Matthan the father of Jacob;  
 16 and Jacob was the father of Joseph the husband of Mary;  
 of her was born Jesus who is called Christ.

17 The sum of generations is therefore: fourteen from Abraham to David  
 fourteen from David to the Babylonian deportation; and fourteen from the  
 Babylonian deportation to Christ.

## The virginal conception of Christ

18 This is how Jesus Christ came to be born. His mother Mary was betrothed  
 to Joseph<sup>b</sup>; but before they came to live together she was found to be with child  
 through the Holy Spirit. Her husband Joseph, being a man of honor and  
 wanting to spare her publicity, decided to divorce her informally. He had  
 made up his mind to do this when the angel of the Lord appeared to him in  
 a dream and said, "Joseph son of David, do not be afraid to take Mary home  
 as your wife, because she has conceived what is in her by the Holy Spirit. She  
 will give birth to a son and you must name him Jesus, because he is the one who  
 22 is to save<sup>c</sup> his people from their sins." Now all this took place to fulfill the words  
 spoken by the Lord through the prophet:

23 *The virgin will conceive and give birth to a son  
 and they will call him Immanuel.<sup>d</sup>*

24 a name which means "God-is-with-us." When Joseph woke up he did what the  
 25 angel of the Lord had told him to do: he took his wife to his home and, though  
 he had not had intercourse with her, she gave birth to a son; and he named him  
 Jesus.

## The visit of the Magi

1 After Jesus had been born at Bethlehem in Judaea during the reign of King  
 2 Herod,<sup>e</sup> some wise men came to Jerusalem from the east. "Where is the infant  
 king of the Jews?" they asked. "We saw his star as it rose<sup>b</sup> and have come to do him  
 3 homage." When King Herod heard this he was perturbed, and so was the whole  
 4 of Jerusalem. He called together all the chief priests and the scribes of the people  
 5 and inquired of them where the Christ was to be born. "At Bethlehem in Judaea,"  
 they told him, "for this is what the prophet wrote:

6 *And you, Bethlehem, in the land of Judah,  
 you are by no means least among the leaders of Judah,  
 for out of you will come a leader  
 who will shepherd my people Israel.<sup>f</sup>*

7 Then Herod summoned the wise men to see him privately. He asked them the  
 8 exact date on which the star had appeared, and sent them on to Bethlehem.  
 "Go and find out all about the child," he said, "and when you have found him  
 9 let me know, so that I too may go and do him homage." Having listened to  
 what the king had to say, they set out. And there in front of them was the star  
 they had seen rising; it went forward and halted over the place where the child  
 10 was. The sight of the star filled them with delight, and going into the house  
 they saw the child with his mother Mary, and falling to their knees they did him  
 11 homage. Then, opening their treasures, they offered him gifts of gold and  
 12 frankincense and myrrh.<sup>g</sup> But they were warned in a dream not to go back to  
 Herod, and returned to their own country by a different way.

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	Nº. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
et al.,	)	
	)	<u>THREE-JUDGE COURT</u>
Defendants.	)	
<hr/>		

DECLARATION

I, John Arntz, make the following declaration based on personal knowledge:

1. I am the Director of the Department of Elections for San Francisco City and County (Department). I have been the Director for approximately five years. San Francisco has regularly transliterated candidate names into Chinese for its elections during my tenure with the Department.
2. During the nomination process, our staff works with candidates to avoid potential problems related to the creation of our trilingual (English, Chinese, and Spanish) ballots. When candidates pick up their nomination packets, our staff informs them that the Department will transliterate all candidate names into Chinese characters and that, if a candidate has a Chinese name or a transliterated name, he or she may submit this name with their nomination packet along with documentation supporting the common usage of that name. After the packets are returned, our staff reviews each candidate's submission and compiles a list of candidate names that includes any accompanying names in Chinese characters. This information is sent to the vendor that provides translation services. All of the vendor's translators have received certification of their language skills from the California Superior Courts or other professional organizations. The translators review any names submitted in characters, and create transliterations for any candidates who did not submit a name in characters. Department staff who are fluent in Chinese will review the translators' work and collaborate with the translators and the candidates to resolve any concerns or issues that may occur. The transliterated names are then made available to the public and the candidates for a ten-day review period.

Exhibit AG

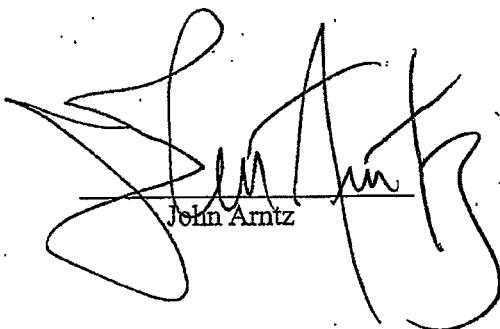
3. The process of transliterating names has worked well over the past several years because we focus on ensuring the transliterations are appropriate. We are careful in transliterating candidate names and work to avoid transliterations that could have negative or inappropriate connotations. The Department has developed and continually seeks to improve its processes to transliterate names. I believe the fact that no litigation related to the transliteration of candidate names has occurred since I have been Director, and even before I became Director, demonstrates the effectiveness of our procedures.

4. San Francisco uses three types of voting machines acquired from Election Systems & Software (ES&S): the Eagle III-P optical scanner placed in each polling place, the IV-C machine which processes absentee ballots, and the AutoMARK which provides voters with disabilities an opportunity to vote independently and privately. In addition to other features, the AutoMARK provides audio assistance to voters in several languages. The Chinese audio translation feature on the AutoMARK machines has been problematic for the Department since the AutoMARK was implemented in San Francisco in June 2006. The AutoMARK provides Chinese-language audio assistance to voters in Mandarin but the machine-generated translations can be difficult to understand. Further, most Chinese-speakers in San Francisco speak Cantonese, but the AutoMARK does not provide machine-generated audio ballots in Cantonese. As a result, the Department's staff has had to digitally record Cantonese audio translations of all information on the ballots.

5. Our activities related to providing assistance to voters in languages other than English, such as transliteration services, have increased the Department's understanding that we must continually reconsider the effectiveness of all our processes. Thus, we view our multi-lingual services as critical to providing the opportunity to all voters to actively participate in San Francisco's elections.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration and believe it accurately reflects my statements and experience.

Dated: July 20, 2007



A handwritten signature in black ink, appearing to read "John Arntz". The signature is fluid and cursive, with a horizontal line underneath it containing the name.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) NO. 05-11598-WGY  
et al., ) DECLARATION  
Defendants. ) THREE-JUDGE COURT

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DECLARATION

I, Kathay Feng, make the following declaration based on personal knowledge:

1. I am the Executive Director of California Common Cause. Common Cause is a national nonpartisan nonprofit advocacy organization founded in 1970 by John Gardner as a vehicle for citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest.
2. Prior to joining Common Cause in 2005, I was Project Director and staff attorney of the Voting Rights and Anti-Discrimination Unit of the Asian Pacific American Legal Center (APALC) for over seven years. APALC is the nation's largest legal organization serving the Asian and Pacific Islander (API) communities dedicated to advocating for civil rights, providing legal services and education and building coalitions. I was responsible for directing the monitoring of hundreds of poll sites in Los Angeles and Orange Counties to measure compliance with the bilingual assistance provisions, Section 203, of the Voting Rights Act. I personally monitored dozens of poll sites with high Asian American voter populations. In seven major elections, I was also responsible for multi-county exit polling to study Asian and Pacific Islander (API) voter behavior and preferences as a means of understanding how to increase voter participation.
3. I currently serve on the National Executive Council of OCA, a national member-based organization dedicated to advancing the social, political, and economic well-being of Asian Pacific Americans in the United States. I have been involved with OCA in various capacities serving on the local and national board and as staff since 1991.

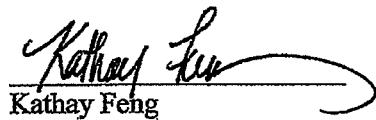
Exhibit AH

2. I speak Mandarin Chinese fluently and am moderately able to read and write Chinese.
3. I am familiar with the Los Angeles County procedures for transliterating candidate names into several Asian languages, including Chinese, Korean, and Japanese. (Attached as "A") I am also familiar with similar procedures put in place for Orange County and several other California counties. I was the voting rights attorney and project director for the Asian Pacific American Legal Center at the time the issue of transliteration was first raised with the Los Angeles County Voter Registrar / Recorder, Conny McCormack.
4. When the Department of Justice first advised the Los Angeles County Voter Registrar / Recorder of the need to transliterate names, the Los Angeles County Voter Registrar / Recorder staff raised several concerns including expense, how to avoid transliterating the names into words with offensive connotations, and how to transliterate names fairly. I recommended a review process that has since been refined, but remains in place today. That review process involved early consultation with major ethnic media outlets and community groups for commonly accepted transliterations of names. Consultation with ethnic media ensured objective input. It also ensured that the significant numbers of non-English reading voters who formed their decisions based on reading ethnic newspapers or other media outlets would see the same transliterated name on the ballot. This would reduce voter confusion or mistakes. There are between two to five major national Chinese-language newspapers and two to five Korean-language newspapers, thereby further ensuring objective and balanced input. The review process also involved a period for all candidates to review their transliterated names for any objections. Los Angeles County currently has multi-lingual staff and a translated glossary of commonly used terms that have helped to streamline the process.
5. Los Angeles County's transliteration of candidate names ensured that Chinese and Korean American voters who have developed an informed opinion about candidates from ethnic language media, candidate ads and materials, or community group literature, and who have limited English reading ability are able to mark their ballots to choose their candidates of choice correctly and independently. I am not aware of any problems for either Chinese voters or candidates arising out of Los Angeles' use of transliterated candidate names.
6. The official position of OCA is that transliteration of candidate names is essential for the full participation of voters who need bilingual assistance in languages that do not use Latin-based characters, such as Chinese. Non-English speaking voters recognize candidates by their transliterated names

as they appear in Asian-language media outlets, advertising, public notices, and campaign literature. Jurisdictions across the country have been able to implement a process for transliteration that would ensure that the words or characters used are appropriate and do not denigrate, mock or have negative connotations for the candidates.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: July 20, 2007

  
Kathay Feng

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) NO. 05-11598-WGY  
et al., ) DECLARATION  
Defendants. ) THREE-JUDGE COURT

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DECLARATION

I, Kathay Feng, make the following declaration based on personal knowledge:

1. I am the Executive Director of California Common Cause. Common Cause is a national nonpartisan nonprofit advocacy organization founded in 1970 by John Gardner as a vehicle for citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest.
2. Prior to joining Common Cause in 2005, I was Project Director and staff attorney of the Voting Rights and Anti-Discrimination Unit of the Asian Pacific American Legal Center (APALC) for over seven years. APALC is the nation's largest legal organization serving the Asian and Pacific Islander (API) communities dedicated to advocating for civil rights, providing legal services and education and building coalitions. I was responsible for directing the monitoring of hundreds of poll sites in Los Angeles and Orange Counties to measure compliance with the bilingual assistance provisions, Section 203, of the Voting Rights Act. I personally monitored dozens of poll sites with high Asian American voter populations. In seven major elections, I was also responsible for multi-county exit polling to study Asian and Pacific Islander (API) voter behavior and preferences as a means of understanding how to increase voter participation.
3. I currently serve on the National Executive Council of OCA, a national member-based organization dedicated to advancing the social, political, and economic well-being of Asian Pacific Americans in the United States. I have been involved with OCA in various capacities serving on the local and national board and as staff since 1991.

Exhibit AH

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6. The official position of OCA is that transliteration of candidate names is essential for the full participation of voters who need bilingual assistance in languages that do not use Latin-based characters, such as Chinese. Non-English speaking voters recognize candidates by their transliterated names

as they appear in Asian-language media outlets, advertising, public notices, and campaign literature. Jurisdictions across the country have been able to implement a process for transliteration that would ensure that the words or characters used are appropriate and do not denigrate, mock or have negative connotations for the candidates.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: July 20, 2007



Kathay Feng

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) CIVIL ACTION  
CITY OF BOSTON, MASSACHUSETTS, ) NO. 05-11598-WGY  
et al., ) DECLARATION  
Defendants. ) THREE-JUDGE COURT

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DECLARATION

I, Ping-Kam Chan, make the following declaration based on personal knowledge:

1. I was born in Hong Kong on October 15, 1949. I came to the United States in 1984. I became an U.S. citizen in approximately 1991.
2. I reside at 10 Churchill Road, West Roxbury, Massachusetts.
3. I speak Cantonese, Mandarin, and English fluently.
4. I have been the official Chinese translator and interpreter for the Boston Public Schools since 1984. I translate policy handbooks, curriculum, letters from the Superintendent, and other communications between the school system and the Chinese-speaking community. I have been transliterating English names into Chinese for the Boston Public Schools since 1984. I've transliterated hundreds of names, including the names of officials with the Boston Public School system such as the Superintendent. The transliteration of English names is not a new issue for Chinese-speaking people. It has been done since at least the late 18<sup>th</sup> Century. For example, Chinese-speaking people transliterated proper names in the Bible centuries ago.
5. Based on my 23 years experience transliterating English names, my wife, Ann Har-Yee Wong, consulted with me about the initial drafts of transliterated candidate names she received from the Boston Election Department. I continue to assist my wife on the transliteration of candidate names while she advises the City of Boston's Election Department. At this time, I have assisted in transliterations related to the November 2006, April 2007, and May 2007 elections, as well as for the upcoming September and November 2007 elections. I reviewed the transliteration of candidate names early in the

Exhibit A1

transliteration process conducted by the City for each of these election. I believe that some of my suggestions and revisions to candidate names were implemented before the City of Boston sent out its official transliterations to the candidates for their approval or released such to the Chinese-language media. For the upcoming September and November 2007 elections, I assisted my wife during her review of transliterated candidate names for the City of Boston. For example, I reviewed the transliterated name for Councilman at-Large Felix Arroyo.

6. Experienced Chinese translators who transliterate Western names follow three guiding principles: 1) accuracy, i.e., the word created by transliteration comes as close as possible to the meaning and phonetic sound of the source word; 2) expressiveness, i.e., the word created by transliteration is something that is easily recognized by the targeted readers; and 3) elegance, i.e., the word created by transliteration avoids different meanings, especially negative meanings.

7. Many translators who transliterate Western names will employ one of three objectives: For the first objective, the translator will replicate both the exact meaning and phonetic sound of the source word, e.g., "Lee." This is very rare, but when possible it is most preferred of the three objectives. For the second objective, the translator will use Chinese characters to reproduce the phonetic sound of the source word with elegance. This is the objective most frequently employed when transliterating Western names. For the third objective, the translator will choose the literal translation of the source word, especially where such will have a culturally positive meaning, e.g., "Goldwater."

8. To transliterate a name, I ask a native English speaker to pronounce the name for me especially if it is not a common English name. I then find a compatible Chinese phonetic character for each syllable of the English name. If the English name has more than three syllables, I will try to make the transliteration more compact by omitting syllables that may be insignificant such as the ending sound. By making it more compact, it makes it easier for the Chinese-speaking readers and signals to these readers that it is a transliteration of an English name. I generally focus on only the last name for transliteration because if you focus on the entire name, you may end up with six or seven syllables. Since Cantonese is the predominant dialect of the Chinese-speaking citizens of Boston, I typically choose the Cantonese sound of the Chinese character. The difference between the Mandarin sound and the Cantonese sound connected to a Chinese character may be insignificant. But, even if it is significant, the difference is a tonal variation of the pronunciation of the Chinese character that will be recognized by both Mandarin and Cantonese speakers. In instances where the transliteration involves a Cantonese phonetically written transliteration, Mandarin readers should be able to understand the transliteration because, again, there is only a tonal variation.

9. In transliterating Western names, a translator typically employs the second objective, i.e., to recreate the phonetic sound of the source word. Chinese is a monosyllabic language, meaning that each Chinese character creates the sound of one syllable. So when we translate a Western name we attach each Chinese character to one

syllable of English. A Chinese name typically has three or four characters, but when transliterating Western names the translator is not limited to just four characters.

10. In transliterating names, each English sound may be recreated by several different Chinese characters. Likewise, each Chinese phonetic sound may be created by several different Chinese characters. This fact provides translators several different Chinese characters to consider when transliterating. Some characters will have a positive meaning or connotation while other characters will have a negative meaning or connotation. When deciding on the appropriate Chinese character, translators will not consider any characters that create a negative meaning. Similarly, translators look for and eliminate any combination of characters that may have a negative meaning or connotation. This is the principle of elegance at work: Translators that are transliterating Western names avoid Chinese characters and pronunciations that carry a negative meaning. For example, while the name "Mitt" may have a similar sound as the Chinese term for "sticky-rice," the translator working on a written transliteration will choose different Chinese characters that will not have a negative meaning or connotation.

11. Any problems or concerns with the elegance of the transliteration should not outweigh the need of Chinese-speaking citizens to have transliterated names on Massachusetts ballots. An experienced translator will avoid any negative meaning or connotation through the principle of elegance. In the rare instance where a negative meaning is created accidentally through the combination of several Chinese characters, Chinese readers will not focus on the literal meaning of the transliteration but will know to focus on the phonetic sound of the characters and, therefore, realize that the term is a transliteration of a Western name. A similar example in English is the name "Kissinger." English readers know not to associate the name with a continuous action, i.e., kissing.

12. In some rare instances, a translator seeking to transliterate a Western name will focus on the third objective, i.e., to translate into the target language the literal meaning of the source name. For example, the name "Goldwater" may denote a very positive meaning in the Chinese community because gold is so highly regarded in Chinese culture. In such circumstances, a translator may decide not to recreate the phonetic sound, but instead decide to translate into the target language the literal meaning of the source word. In other more rare instances, a translator may decide employ the most preferred objective, i.e., to match both the literal meaning and phonetic sound of the source word. For example, because there is a similar name in both Chinese and English, the name "Lee" may be transliterated to recreate both the literal meaning and the phonetic sound.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: July 19, 2007

  
Ping-Kam Chan

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
	)	

**DECLARATION**

I, Ann Har-Yee Wong, make the following declaration based on personal knowledge:

1. I was born in Guangzhou, China on October 3, 1956 and came to the United States in 1984.
2. I reside at 10 Churchill Road, West Roxbury, Massachusetts. I work as an adult training program specialist at Economic Development Industry Corporation (EDIC). I have held this position for three years. I am also the Community Liaison to the Chinese community under the Memorandum of Agreement between the Department of Justice and the City of Boston. I have also served as the warden at Precinct 3, Ward 8 for at least two years. Before that, I also worked as a Chinese interpreter and as a clerk at the same polling place. This polling place was originally located at the Quincy School, and has since been moved to the Metropolitan Community Room. I served as a staff member at the Chinese Progressive Association (CPA) for fifteen years, and have been the Vice Chair for the last four to five years.
3. I speak Cantonese, Mandarin, Toisanese, and English fluently. I grew up in Hong Kong, where I received a British English education. Because of this, I was exposed to Chinese-English transliteration from a very early age. And I am very familiar with the process of transliterating between Chinese and English.
4. In my capacity as a staff person at the CPA, I provided various services to Chinese immigrants. One hundred per cent of them needed language assistance. One of my duties was to give English-as-a-Second Language (ESL) classes to immigrants who did not know even the ABC's. Often times, I found that my students had a difficult time understanding the concepts in English. I taught them how to remember English words and sounds using Chinese characters. For example, in order to remember the name "Bill" or dollar "bill," they would write in a Chinese character which sounds like "biu" meaning "wrist watch," in order to help them to

remember the word according to the sound. But this method was impossible for those immigrants who were illiterate even in Chinese.

5. In addition to ESL classes, I also taught citizenship classes. Many of my students really struggled with the pronunciation of the words in English. For example, the word "Constitution" has many syllables. My students would have to break down each syllable into a separate Chinese character, then memorize all those characters in order to remember how to say the word in English. Our passing rate was almost one hundred per cent. This showed that this method of converting the English words to Chinese sounds and characters was an effective system.

6. Many Chinese immigrants read the Chinese language newspapers; this is how they keep up with politics and the names of candidates. They follow what is going on. They just have difficulty with the English language. Many Chinese-speaking voters become familiar with the Chinese versions of the names of candidates and elected officials. Also, they recognize the candidates by seeing their Chinese names underneath the candidates' photos in the Chinese-language newspapers. So these voters know these figures by their Chinese names rather than by their English names

7. The first time I worked as a Chinese interpreter was approximately in 2005. In that election, I saw many Chinese-speaking voters. Most of them needed language assistance. There were about five Chinese-speaking interpreters and poll workers at this polling place, and they were all busy helping voters because there was a high Chinese American voter turnout. Most of the Chinese American voters that I saw came in with election literature that had the numerical order of the candidates on the ballot. They would bring in this piece of paper and try to match up the candidates they wanted with the names on the ballot. But because the candidates' names were in English only, these voters asked me to explain which candidate was which. I was not allowed to point to any candidates' names, and all I could tell the voters was that they just had to vote for who they wanted. So they were very frustrated and angry with us because they were helpless to figure out the candidates' names on the ballot.

8. I worked as a clerk in another election after that in the Quincy School. As a clerk, I had less voter contact because I had to concentrate on record-keeping. But I still saw many Chinese speaking voters who needed language assistance. I saw and heard many Chinese American voters asking for help in figuring out the different candidates' names on the ballot. I personally helped some of these voters, who approached me for help. They asked me who was who on the ballot. Some of these voters asked me to read the candidates' names because they had poor eyesight and could not read the ballot. When I read the names to the voters in English, they could not understand because they were not familiar with those candidates by their English names. But I was still instructed not to point to any candidates' names on the ballot, so the voters were extremely angry. I felt helpless because I was not being useful to the voters.

9. I worked as a warden in the April 17, 2007 and May 15, 2007 special elections, at the Metropolitan Community Center. In these elections, the candidates' names were transliterated in Chinese on the ballot. In both elections, the transliteration was done based on Cantonese. I could tell the difference that this transliteration made for the Chinese-speaking voters because they could now read the candidates' names on their own. So they didn't need an

interpreter's help to figure out the candidates they wanted to choose on the ballot. All the candidates' names in Chinese were publicized in the Chinese language newspapers before the elections, so the voters were familiar with the Chinese versions of the names. Also, the CPA held workshops before the elections, in order to educate the voters about the candidates' names and platforms.

10. In the April and May 2007 elections, the Chinese-speaking voters still asked for our help to figure out the proper voting procedure. But compared to previous elections, I saw that there was much less confusion, anger, and frustration among Chinese-speaking voters about how to figure out which candidate was which on the ballot. Also, in the previous elections, the voters relied on the campaign literature to figure out the names on the ballot. But now that the ballot is transliterated into Chinese, the voters rely less on these pieces of paper to figure out who they are voting for. This is a great improvement because now the voters are less dependent on campaigns to tell them who to vote for.

11. As the Community Liaison, I worked closely with Helen Wong and Gerry Cuddyer of the Boston Election Department. Before the April 2007 election, Helen consulted with me to review the transliteration of the candidates' names that would appear on the ballot. Since most of the Chinese American voters in Boston are Cantonese speakers, Helen and Gerry asked me if I could do the transliteration of the candidates' names based on Cantonese, which I did. In doing this transliteration work, Helen and I consulted a dictionary of transliterated Western names. My work was reviewed and approved by the Chinese-fluent members of the Language Advisory Board. My transliteration of the ballot was shared with the local candidates themselves. All the candidates approved of the transliteration. We shared the transliteration of the candidates' names with the Chinese American community and the Chinese language press. My transliteration of the local candidates' names became the standard in the Chinese language articles about those candidates.

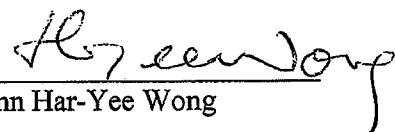
12. The Automark voting machines with its audio and visual components or features can be a big help to a variety of voters. I believe in the April and May 2007 elections I had approximately ten Chinese-speaking voters use the Automark at the poll site I worked. All of the voters used the visual component of the Automark. One problem was that the characters on the screen were not right. Many voters did not read the screen because they didn't feel comfortable using it. So, I actually had to bring the voter to the machine and give him or her step-by-step directions how to use the machine. I believe that some of the problems with working the visual component of the Automark occurred because there was no training or education with Chinese-speaking voters about the availability or option to use the Automark machine.

13. The audio component of the Automark was not very helpful at all. The speaker recorded was very difficult to understand. I'm fluent in Cantonese and I had trouble understanding what the woman recorded on the Automark said through the earpiece. Specifically, I found her flow and pronunciation poor. As a result, I was reluctant to recommend to any Chinese-speaking voter to use the audio component because I was concerned it would irritate the voter. I believe the woman recorded for the Automark was not a native Cantonese speaker. Instead, I believe she was either Mandarin or Fujianese speaker. Of the ten Chinese-speaking voters that used the Automark during the April and May 2007 special election, none used the audio component.

14. It is essential for Chinese-speaking voters to be able to read the candidates' names in Chinese on the ballot. This is necessary because without the transliterated names, it is difficult, or even impossible, for voters to know who they are voting for. Especially for those illiterate Chinese-speaking voters, it is impossible for them to distinguish among the names on the ballot, because even if I read the English names to them, they would not be recognizable without the Chinese transliteration.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: July 3, 2007

  
Ann Har-Yee Wong

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 05-11598-WGY
	)	
CITY OF BOSTON, MASSACHUSETTS,	)	<u>DECLARATION</u>
ET AL.,	)	<u>THREE-JUDGE COURT</u>
	)	
Defendants	)	
	)	

**DECLARATION**

I, Bik Fung Ng, make the following declaration based on personal knowledge:

1. I am a member of the City of Boston's advisory board for elections appointed by the Mayor. I am also a city employee: a senior program manager for the Department of Neighborhood Development, Home Bias Services Unit. I have been a City employee since 1997. I have been appointed as one of the City Language Liaisons and I work with the Elections Office. I also served as a troubleshooter and a standby interpreter for the Elections Office. When assigned workers did not show up in various elections, I served as a clerk in the elections. I worked at the Franklin School and at Metropolitan, two sites located in the heart of Chinatown. I also worked in each election through September 2006 at the election office in City Hall to help answer telephones as a standby interpreter. I also have worked on various campaigns in Boston.
  
2. I have volunteered, worked and lived in and around Boston's Chinatown since 1980. I was the first Chinatown Mainstreet Director for the City of Boston. Boston's Chinatown Mainstreet is a public/private partnership program under the National Historic Trust Preservation whose goal is to develop, organize the community, revitalize the economy and promote the community in Chinatown. In this capacity I worked closely with the business and residential communities in Chinatown. I am the past president and a board member of the Chinese Historical Society of New England. I am a board member of the Chinatown Wang YMCA. I was the Chair of the Chinatown Unity Dinner, a major fundraising group for Asian community services. I was appointed as one of the commissioners

of both Governors Wells' and Cellucci's Asian American Commission. I was a fellow of the LEAD Boston program, a group of Boston professionals to do projects to improve the greater Boston community. I am a board member of The Medical Foundation in Boston that funds public health studies for New England. I was the advisory board member for the Museum of Science's Asian Community Outreach Program. I was awarded Woman of the Year by the Patriot Trail Girl Scout Council of New England for my leadership and volunteer work in Boston.

3. I speak three dialects of Chinese: Cantonese, Mandarin and Toisanese. Cantonese is my native language. I read and write Chinese fluently. I was born in Canton, China, on September 17, 1948 and moved to Hong Kong when I was seven. I came to the United States when I was 18. I became a United States citizen in 1972. In my present job with the City of Boston's Department of Neighborhood Development, I have translated into Chinese and edited Chinese translations of home buying brochures and our entire first-time home buyer program, and do outreach to the Chinese community in Chinatown.
4. Based on my experience in Chinatown, the majority of the Chinese residents in Chinatown do not speak English well. The vast majority of the Chinese elderly cannot speak or read English at all.
5. For the April and May 2007 City Counsel elections I assisted Helen Wong and Ann Wong edit the names of the candidates for the City's election materials. This was the first time I did this for the City. Helen emailed Ann and I and asked Ann and I to edit the Chinese names of the candidates, and the positions for which they were running. In the past, since Helen became the Language Coordinator for the City of Boston Election Office, we also edited other election materials, like information on how to vote. I reviewed the Chinese characters that Helen sent to me and called her if I noticed any problems. For the positions we translated the meanings. For the names we transliterated for sound. The names of the candidates in Chinese simply conveyed the sound of the English pronunciations, syllable by syllable and I edited them to make sure they had the appropriate characters grouped together. If the characters Helen provided to me were not appropriate I would let her know either by phone or fax the writing of the appropriate characters to use. Many western names already are transliterated and are well known to the Chinese community - in the same written form for Cantonese and Mandarin speakers.
6. There is only one written form of Chinese. It is used both by Cantonese and Mandarin speakers. There is a simplified and a traditional version of that single written form. In Chinatown, most Chinese people use the traditional version. Spoken Cantonese is less formal than the written

Chinese. Spoken Cantonese cannot even be fully captured in writing because of the slang and idioms that do not exist in writing. For a Mandarin speaker, however, it is very difficult to understand and to speak the Cantonese spoken dialect. For example, in Cantonese there are at least 7 tones and a lot of slang, or idiomatic expressions, that for a person who speaks Mandarin, with only 4 tones and few idioms, is very difficult to understand or learn to speak. If, for example, a Mandarin speaking voter were to hear a Cantonese audio tape of the ballot, the Mandarin speaker would not understand it. While there are not a lot Mandarin speakers in Chinatown, there are some and that population from Mainland China is growing, they would not be able to rely on the audio portion of the ballot in Cantonese to vote. They would be fine if the written ballot is completely translated.

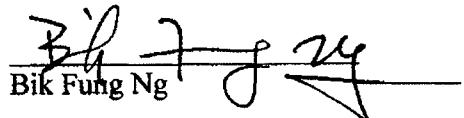
7. In my campaigning experience, whenever I introduced non-Chinese candidates to the Chinese community, I made their English name sound like Chinese words so the Chinese community would understand and recognize who they are. The Chinese community always wants to know the candidates' "Chinese name."
8. The last time I worked in the polls was September 2006. I worked at Franklin Institute at 7:00 am. About 70 % of the voters there were Chinese elderly voters, waiting in a long line. When the Chinese voters got into the site, most of them carried marked sample ballots with the names of the candidates written in Chinese, and they knew for which candidate they wanted to vote. The voter would match up the transliterated sample ballot to the actual ballot in order to vote for their preferred candidate. It took time to match the precise lines and if they could not read the ABC's they could not tell for sure if they matched the names properly. Also, the actual ballot is physically longer by several inches than the sample ballots so it was not a direct physical match and it took time for these voters. Some of the voters needed help if they had difficulty seeing because the writing was small.
9. There were plenty of interpreters at the site and they were always busy helping voters. I was an inspector/trouble shooter and I immediately noticed that I needed to move the non-Chinese speaking clerk away from her position at the check in table because she could not understand the names of the voters, especially where they all lived at the same building and their address did not assist in locating their names. There also were a lot of people with the same last name and the first names were difficult for the non-Chinese speakers to understand. Additionally, Chinese voters often gave their last names first so the non-Chinese clerks couldn't tell which name they were supposed to be looking up. The lines were very long because the check in process was very slow. Both of the check in clerks were non-Chinese speaking. One of the non-Chinese clerks refused

to move for a long time so that she could be replaced with a Chinese-speaking clerk, even with the Warden and myself asking her to do so. I ultimately called Helen at City Hall who came to the site and forced her to move. It was a scene trying to move that clerk since she argued that she had been in that position for 20 years. During that time, however, the community changed and there are a lot of Chinese elderly people in that neighborhood now.

10. If the ballots had been transliterated with candidate names, rather than in Roman characters, the voters at Franklin would not have had to dig through their bags or pockets to look for their marked sample ballots. They would not have had to try to match them up, a time-consuming and inexact method, and they would know precisely for whom they were voting. The voters are very proud to do things by themselves.
11. Going back to English only names on the ballot will be a big problem for Chinese speaking voters. Now that the ballots do include the names of the candidates in Chinese, the voters expect it. From my experience in the community and my personal feeling, I believe that such a change backwards would be confusing and upsetting for voters who rely on Chinese and cannot read English.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: July 23, 2007

  
Bik Fung Ng

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Civil Action No. 05-11598-WGY  
                                )  
THREE-JUDGE COURT  
CITY OF BOSTON,            )  
MASSACHUSETTS, et al.,     )  
                                )  
Defendants.                )

RESPONSE TO OPPOSITION TO THE UNOPPOSED MOTION TO CLARIFY

**EXHIBITS AL - AN**



U.S. Department of Justice

Civil Rights Division

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Voting Section - NWB.  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

February 16, 2007

**By First-Class Mail and Facsimile**

Michelle K. Tassinari, Esq.  
Legal Counsel  
Secretary of the Commonwealth, Elections Division  
One Ashburton Place, Seventeenth Floor  
Boston, Massachusetts 02108

Dear Ms. Tassinari:

This letter follows our conversation on February 6, 2007, regarding the plans of the Commonwealth of Massachusetts to have accessible voting machines in every polling place for elections for Federal office. We write today to seek additional information.

As you know, Section 301 of HAVA, 42 U.S.C. § 15481, sets forth voting systems standards for all States for elections for Federal office. Among other things, Section 301 requires that voting systems provide for accessibility for citizens with disabilities. The Act specifically requires that the State have a voting system that is accessible "for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters." 42 U.S.C. § 15481(a)(3)(A). A State can satisfy this requirement "through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place." Id. § 15481(a)(3)(B). Section 301 became effective on January 1, 2006. Id. § 15481(d).

Despite past assurances from the Commonwealth that it would comply with Section 301 during the 2006 elections, the Commonwealth failed to provide accessible voting machines across the State in the September 19, 2006 Federal primary, and it failed to provide accessible voting machines at two-thirds of its polling places in the November 7, 2006 Federal general election. Even in those polling places that did have one accessible machine for the November election, cities and towns received those machines so close to the election that there was insufficient time to train poll workers fully on proper use of the machines, resulting in poll

**Exhibit AL**

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workers having difficulty operating the systems on Election Day. Through our observations at the polls and from information we received from blind voters, it is clear that voters who are blind and visually impaired were denied the same opportunity to cast a private and independent ballot as other voters in the 2006 elections for Federal office.

During our phone conversation, you stated that the Commonwealth would be signing a contract last week to purchase accessible voting equipment to be used in future Federal elections. You also stated that some towns and cities will be using the new machines during the Spring 2007 local elections, although you were not in a position to provide us with the names of such towns and cities. You further advised that all cities that have Fall 2007 elections will be using the machines. You represented that the Commonwealth expected final delivery of all accessible machines by the end of July across Massachusetts, but did not provide a date certain. Finally, you said that the City of Boston will be using these accessible machines for its Spring special elections, and that the machine will be programmed for the Chinese and Vietnamese languages, consistent with the Court order in United States v. City of Boston, 05-11598-EGY (D. Mass.) (Oct. 18, 2005). During the 2006 general election, the audio portion of the ballot was not available in Vietnamese or in Cantonese, the spoken dialect of Chinese for most of Boston's Chinese speakers.

On a number of issues last week, we asked for specific details of the Commonwealth's plans to come into compliance with Section 301 of HAVA, but you were not in a position to provide specifics. We asked for details on training of poll workers on the new equipment, but you were unable at that time to provide specific information about when and where the training of poll workers across the Commonwealth will occur. We asked for details of your plans for voter education regarding the new machines, particularly for citizens with disabilities, but you were unable to provide specifics about where and when those education programs would take place. We asked for information about the promulgation of regulations, and you were unable to provide details about the time line for adoption of these regulations or for subsequent public hearings. You did indicate on February 6 that the Commonwealth would be adopting emergency regulations "immediately," but over a week later, it appears that the State still has not adopted those emergency regulations.

Please provide us by Monday, February 26, with the dates by which the training of poll workers, the conducting of voter education programs, and the promulgating of regulations for the new machines will occur. Please also detail the steps you are taking to ensure that those dates will, in fact, be met.

Finally, please also provide us with the following: the specific date on which accessible machines will be provided to each jurisdiction; the identities of any jurisdictions that will be using the new equipment during their Spring elections, as well as the dates by which they will receive the machines; and information on whether the audio component of the voting machines in Boston will use Vietnamese and Cantonese, and the efforts the Commonwealth will be making to consult with Boston on this issue.

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The Commonwealth previously has assured the Department of Justice and members of the public that accessible equipment would be in place for the 2006 elections. The Department of Justice requests concrete and detailed assurances that the Commonwealth will come into compliance with Section 301 of HAVA, and that blind and visually impaired will have the same opportunity to cast a private and independent ballot as other voters in elections for Federal office.

We look forward to receiving additional information. You can reach us by email [john.russ@usdoj.gov](mailto:john.russ@usdoj.gov) and [james.boeving@usdoj.gov](mailto:james.boeving@usdoj.gov), and our fax number is (202) 307-3961. If you have any questions, you can reach Bert Russ at (202) 353-7738 and Nick Boeving at (202) 305-5740.

Sincerely,



John "Bert" Russ  
Voting Section, Trial Attorney



U.S. Department of Justice

Civil Rights Division

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Voting Section - NWB.  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

March 1, 2007

**By First-Class Mail and Facsimile**

Michelle K. Tassinari, Esq.  
Legal Counsel  
Secretary of the Commonwealth, Elections Division  
One Ashburton Place, Seventeenth Floor  
Boston, Massachusetts 02108

Dear Ms. Tassinari:

This letter follows our February 16 correspondence and your February 23 response, regarding the plans of the Commonwealth of Massachusetts to have accessible voting machines in every polling place for elections for Federal office. As we indicated in our February 16 letter, the Commonwealth failed to provide the same opportunity for blind and visually impaired voters to cast a private and independent ballot as other voters in the 2006 elections for Federal office. See Section 301 of the Help America Vote Act ("HAVA"), 42 U.S.C. § 15481(a)(3)(A).

Your February 23 letter and its attachments failed to provide most of the information that we have requested. We therefore must repeat our request for specific details of the Commonwealth's plans.

In our prior letter, we asked you to provide us with the dates by which the training of poll workers, the conducting of voter education programs, and the promulgating of regulations for the new machines will occur. We also asked that you detail the steps you would take to ensure these dates would, in fact, be met. We requested that you provide the specific date on which accessible machines will be provided to each jurisdiction; and the identities of any jurisdictions that will be using the new equipment during their Spring elections, as well as the dates by which they will receive the machines. You have not provided this information.

In your letter, you indicated that the delivery of equipment will occur between February 26 and July 31, 2007. You also indicated that you have signed a contract with Election Systems Software, Inc. ("ES&S"), and that ES&S will be developing a work plan for "delivery, training,

**Exhibit AM**

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programming, and support." Your letter provides no other details about when training, voter education, and other necessary tasks will actually occur, or even when the work plan will be developed.

The Commonwealth in the past has told the Department and disability rights groups that the Commonwealth would fully comply with Section 301 of HAVA for the 2006 Federal elections. See, e.g., Letter from Michelle Tassinari to Sarah Beth Donovan (Mar. 15, 2006) ("The selection of an accessible voting system . . . will be made soon and in sufficient time to allow for poll worker training and voter education prior to the September 19, 2006, state primaries."). In light of past unfulfilled promises by the Commonwealth, the Department requires more than vague assurances that the Commonwealth will finally comply with federal law.

We ask that you provide detailed answers to the questions we have asked. We also request that you provide us with an election calendar that lists every city and town that will be conducting an election in 2007, including the specific date upon which the election will be held and whether the jurisdiction will be using the new machines. Please send this information by Thursday, March 8.

We ask for your full cooperation in providing this information to the Department and in rectifying the Commonwealth's past failures to comply fully with the accessible machine requirements of Section 301 of HAVA.

Sincerely,



John "Bert" Russ  
Voting Section, Trial Attorney

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The Commonwealth of Massachusetts  
William Francis Galvin, Secretary of the Commonwealth  
Elections Division

March 2, 2007

John "Berf" Russ, Esq.  
U.S. Department of Justice  
Civil Rights Division, Voting Section—NWB  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

**VIA FACSIMILE (202-307-3961) AND FIRST CLASS MAIL**

Dear Attorney Russ:

This Office is in receipt of your letter dated March 1, 2007 in which you request additional information regarding the plans of the Commonwealth of Massachusetts for the implementation and utilization of accessible voting equipment at every polling place throughout the State for federal elections. This letter and enclosures provide the additional information requested, to the extent it is presently available. Your letter also contains certain assertions which I would like to address as well.

In the opening paragraph of your letter of March 1<sup>st</sup>, you state that the Commonwealth failed to provide the same opportunity for blind and visually impaired voters to cast a private and independent ballot as other voters in the 2006 elections for Federal office. Please note that this Office had provided accessible voting equipment in more than one-quarter of the polling places across Massachusetts. Although you reference equipment to be used by blind or visually impaired voters, the challenge for this Office in this significant and important undertaking has been to procure the most appropriate accessible equipment that meets the needs of all voters with disabilities, not just those who are blind or visually impaired. With a technology relating to the equipment that has been evolving and subject to challenge, it has been the constant intent of this Office to responsibly select the most accessible, secure and reliable system available for the voters of Massachusetts.

Your letter contains other assertions that, while it may have been unintended, appear needlessly adversarial rather than cooperative in tone. Indeed, at a conference offered by the National Association of Secretaries of State in Washington, D.C. which I attended, John Tanner, Chief of the Voting Section of

One Ashburton Place, 17th Floor, Boston, Massachusetts 02108  
(617) 727-2828 • 1-800-462-VOTE (8683)  
website: [www.sec.state.ma.us/ele](http://www.sec.state.ma.us/ele) • e-mail: [elections@sec.state.ma.us](mailto:elections@sec.state.ma.us)

**Exhibit AN**

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the Department of Justice, addressed the group regarding the Department's interaction with the various states throughout the country. He spoke of the Department's working relationship with states concerning the implementation of HAVA and its challenges. He made a particular point in stressing that it was the Department's intent to work in a cooperative spirit with the states in the implementation of HAVA. Certainly, this Office shares this intention to work cooperatively with the Department in the implementation of HAVA.

Regarding the particular information you requested, the process began during March 2005, when this Office sponsored Voting Equipment Accessibility Fairs throughout the Commonwealth. All known vendors of accessible equipment were invited to participate.<sup>1</sup> Numerous and varied accessible voting systems were available for public viewing and testing. These Fairs were publicized and open to the public with a particular effort to invite members of the disability community in the area where the Fair was being held. The Secretary also established a group made up of members of the Massachusetts Office on Disabilities, the City and Town Clerks' Associations and representatives of his staff, to assist in the informational gathering process.

On July 18, 2005, this Office issued a Request for Response for Voting System Equipped for Accessibility (RFR). Responses were received from five (5) vendors—AccuPoll, AccuVote TSx with Voter Verifiable Paper Audit Trail (VVPAT) by Diebold Election Systems, Inc., AutoMARK Voter Assist Terminal by Election Systems & Software, Inc., e-Slate by Hart Intercivic, and Vote Trakker by Avante.

As part of the RFR process, each vendor was required to provide an office demonstration. Those demonstrations were held between August 23, 2005 and August 25, 2005. One vendor, AccuPoll, did not attend to provide an office demonstration and was thereby eliminated from consideration. After the office demonstrations and review of the responses and supporting documentation, three (3) vendors were selected as finalists: AccuVote TSx by Diebold Election Systems, Inc.; AutoMARK Voter Assist Terminal by Election Systems & Software, Inc.; and e-Slate by Hart Intercivic.

The three (3) finalists were initially field tested in municipal elections held on November 8, 2005. The City of Waltham used the AutoMARK Voter Assist Terminal in 16 polling locations. The Town of Watertown used the AccuVote-TSx with VVPAT in seven (7) polling locations. The City of Woburn used the e-Slate

<sup>1</sup> Vendors of accessible equipment were identified using information provided by the federal Election Assistance Commission.

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in nine (9) polling locations. Training and technical support were provided for all locations.

Following the 2005 field tests of accessible voting equipment, reports were published questioning the security vulnerabilities of certain types of voting equipment, including those being considered in Massachusetts. As a result of this new information, this Office contracted the services of a computer security expert, Dr. Michael Shamos, to conduct a complete security review of the voting systems being considered. As part of this process, each vendor was asked to provide certain information as well as be present during a complete review of their system conducted by Dr. Shamos. Dr. Shamos presented a report on September 28, 2006, which found that each system was sufficiently secure for use in Massachusetts and also recommended certain procedures be implemented with each type of equipment.

Following the security review, further field testing was sought. This Office used the November 7, 2006, election to conduct further field testing by the three (3) finalists. For this field test, this Office sought to provide accessible voting equipment to each polling location throughout the Commonwealth. However, no single Vendor (or even a combination of all three Vendors) was able to supply enough pieces of equipment, including training and other related services such as programming, for use at all polling places in Massachusetts. Nonetheless, this Office sought to utilize as many pieces of equipment as was available from the vendors that were chosen as a finalist. As noted in my previous letter to you, this Office informed the Department, via e-mail sent to Brian Heffernan on October 26<sup>th</sup>, 2006, of the limited implementation, providing a detailed list of locations and the type of accessible equipment to be used. The listing of locations and the type of equipment used was provided with my letter dated February 23, 2007.

For this field testing, extensive training sessions were provided to participating municipalities by those vendors and facilitated by the Office of the Secretary of the Commonwealth prior to Election Day. Assistance was provided prior to and during Election Day from those Vendors to the municipalities using the accessible voting equipment.

Following the November 2006 field test of the accessible voting equipment, each and every municipality that used such equipment was contacted to complete a survey on all aspects of the accessible voting equipment tested in their community. This Office selected AutoMARK Voter Assist Terminal by Election Systems & Software, Inc. as the principal voting system to be used throughout Massachusetts to provide accessible voting for individuals with disabilities, including non visual accessibility for blind and visually impaired, in a manner that

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provides the same opportunity for access and participation (including privacy and independence) as for others. The contract with Election Systems & Software, Inc., was finalized on February 20, 2007 and the preliminary work plan was provided by February 23, 2007 and the final work plan is due on March 23, 2007. This Office is in daily contact with the Vendor for purposes of confirming delivery, programming and training.

In your letter, you seek specific information including the dates by which the training of poll workers, the conducting of voter education programs, and the promulgating of regulations for the new machines will occur. Additionally, you ask what steps we are taking to ensure these dates are met. You have also asked this Office to provide the specific date on which accessible machines will be provided to each jurisdiction and the identities of any jurisdictions that will be using the new equipment during their Spring elections, as well as the dates by which they will receive the new machines.

**Training of Poll Workers**

This Office is currently working to schedule poll worker trainings with the Vendor and local election officials. Several trainings have already occurred and several more are scheduled. However, the process is ongoing. Attached is a listing of the trainings held and those scheduled, but please note that the scheduled training list is constantly being updated and is subject to change.

**Voter Education**

This Office is working with the Massachusetts Office on Disability to schedule voter education workshops for voters with disabilities. We are working with the Massachusetts Office on Disabilities to coordinate such outreach with previously planned events by disability organizations, both public and private, to maximize participation. Again, this schedule will be constantly updated, but can be provided on a regular basis.

**Promulgation of Regulations**

This Office anticipates that regulations governing the use of the AutoMARK Voter Assist Terminal will be implemented within the month of March. This Office will provide a copy of those regulations as soon as they are implemented.

**Delivery of Equipment**

The delivery of equipment has already begun. Election Systems & Software, Inc., is shipping 80 units per week and have provided a master shipping list, a copy of which is enclosed. The schedule calls for all equipment to be delivered by the end of June. Upon shipping, the Vendor provides e-mail notification to this

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Office. Additionally, we have contracted with the Vendor to provide acceptance testing at each city and town hall upon receipt of the equipment.

**Use of Equipment in Local Elections**

As indicated in my February 23, 2007, letter, although HAVA only requires that the equipment be used for federal elections, our plan is to gradually implement the AutoMARK Voter Assist Terminals for upcoming local elections and will have full implementation, with each city and town using the machines, for the March 4<sup>th</sup>, 2008, Presidential Primary, which is the next federal election scheduled in Massachusetts. I have enclosed a listing of each municipal election that is currently scheduled.

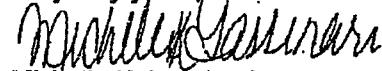
Our goal is to have each municipality use the equipment at their local election. However, for two (2) municipalities (Petersham and Warwick) which use paper ballots, there was insufficient time to print ballots capable of being read by the AutoMARK Voter Assist Terminal and therefore those municipalities will not be using the accessible equipment in their municipal elections. Both of those municipalities did attend a training session last week.

As previously mentioned, we also intend to provide additional regional training sessions again before the March 4<sup>th</sup>, 2008, Presidential Primary. However, those training sessions have not yet been scheduled.

This Office is committed to be fully compliant with Section 301 of the Help America Vote Act by the next federal election, which in Massachusetts will be March 4<sup>th</sup>, 2008 (unless there is an intervening special election for federal office). We have several staff members working on this project and attending the training sessions to ensure that the plans are implemented fully. Again, please note that some dates may change, but we will be happy to provide updated information as it becomes available.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Michelle K. Tassinari  
Director/Legal Counsel.

Enclosures